# TABLE OF CONTENTS

February 28, 2003  Volume 27, Issue 9

## PROPOSED RULES

**ATTORNEY GENERAL, OFFICE OF THE**  
Motor Vehicle Advertising  
14 Ill. Adm. Code 475 ..........................................................3187

**EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS**  
Functions and Planning Program  
23 Ill. Adm. Code 2310 ..........................................................3192

**HUMAN SERVICES, DEPARTMENT OF**  
Alcoholism and Substance Abuse Treatment and Intervention Licenses  
77 Ill. Adm. Code 2060 ..........................................................3197

**INSURANCE, ILLINOIS DEPARTMENT OF**  
Automobile Anti-Theft Mechanisms  
50 Ill. Adm. Code 932 ..........................................................3219

**PUBLIC AID, ILLINOIS DEPARTMENT OF**  
Practice in Administrative Hearings  
89 Ill. Adm. Code 104 ..........................................................3227  
Medical Payment  
89 Ill. Adm. Code 140 ..........................................................3241

## ADOPTED RULES

**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**  
Pay Plan  
80 Ill. Adm. Code 310 ..........................................................3261

**COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF**  
Enterprise Zone Program  
14 Ill. Adm. Code 520 ..........................................................3282

**FIRE MARSHAL, OFFICE OF THE STATE**  
Fire Prevention and Safety  
41 Ill. Adm. Code 100 ..........................................................3360

**NATURAL RESOURCES, DEPARTMENT OF**  
Injurious Species  
17 Ill. Adm. Code 805 ..........................................................3369  
Sport Fishing Regulations for the Waters of Illinois  
17 Ill. Adm. Code 810 ..........................................................3376

**NUCLEAR SAFETY, ILLINOIS DEPARTMENT OF**  
Registration and Operator Requirements for Radiation Installations  
32 Ill. Adm. Code 320 ..........................................................3465  
Accrediting Persons in the Practice of Medical Radiation Technology  
32 Ill. Adm. Code 401 ..........................................................3471

**POLLUTION CONTROL BOARD**  
RCRA Permit Program  
35 Ill. Adm. Code 703 ..........................................................3496
Procedures for Permit Issuance
35 Ill. Adm. Code 705 ......................................................3675

Hazardous Waste Management System: General
35 Ill. Adm. Code 720 ......................................................3712

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
35 Ill. Adm. Code 724 ......................................................3725

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
35 Ill. Adm. Code 725 ......................................................4187

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
35 Ill. Adm. Code 726 ......................................................4200

EMERGENCY RULES
EMPLOYMENT SECURITY, DEPARTMENT OF
Claims, Adjudication, Appeals and Hearings
56 Ill. Adm. Code 2720 ......................................................4217

PUBLIC HEALTH, ILLINOIS DEPARTMENT OF
Illinois Swimming Facility Code
77 Ill. Adm. Code 820 ......................................................4223

SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Professional Counselor and Clinical Professional Counselor Licensing
68 Ill. Adm. Code 1375 ......................................................4306

Provision of Advanced Telecommunications Services
83 Ill. Adm. Code 733 ......................................................4306
Interconnection
83 Ill. Adm. Code 790 ......................................................4306
Interconnection
83 Ill. Adm. Code 790 ......................................................4306
Temporary Assistance for Needy Families
89 Ill. Adm. Code 112 ......................................................4306
Aid to the Aged, Blind or Disabled
89 Ill. Adm. Code 113 ......................................................4306
General Assistance
89 Ill. Adm. Code 114 ......................................................4306
Food Stamps
89 Ill. Adm. Code 121 ......................................................4306
Procedures and Standards
92 Ill. Adm. Code 1001 ......................................................4306

EXECUTIVE ORDERS AND PROCLAMATIONS
EXECUTIVE ORDERS
Executive Order on Compensation for Military Personnel
03 - 6 ......................................................4308
REGULATORY AGENDA
PUBLIC AID, ILLINOIS DEPARTMENT OF
Medical Payment
89 Ill. Adm. Code 140 ......................................................4309
Specialized Health Care Delivery Systems
89 Ill. Adm. Code 146 ......................................................4309
Hospital Services
89 Ill. Adm. Code 148 ......................................................4309
NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER
ELECTIONS, ILLINOIS STATE BOARD OF
Registration of Voters
26 Ill. Adm. Code 216 ......................................................4314
ISSUES INDEX  I – 1

Editor’s Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue  15 - April  11, 2003:  Data through  March    31, 2003 (1st 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)

Editor’s Note 2: Submit all rulemaking documentation to the following address:
Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756

Editor’s Note 3: It has become necessary to add file pages to the documents in the electronic copy that is being forwarded to the Code Division. This is effective immediately. This can also be found in the Style Manual.

Section 4-5: FORMAT FOR FILING RULES (1 Ill. Adm. Code 100.500 and Appendix B, Illustration D)
All rules, amendments or repealers shall be submitted in 8 ½ x 11 inch, three-hole punched, suitable for being placed in a standard loose-leaf binder for paper that size. In accordance with 1 Ill. Adm. Code 100.Appendix B. Illustration D. (Also see the Rulemaking Template 2003)
i. A complete table of Contents will be provided in accordance with 1 Ill. Adm. Code 100/310. One original and two copies. The page(s) for the Part’s table of contents shall begin with the major divisions of the Code appropriate for the Part. Each of these shall have the appropriate division word and the heading for that division in all capital letters. Each line shall be centered on the page and these shall all be listed single-spaced. A colon shall follow each division label followed by two spaces and then the heading.

ii. Also required are one original and two copies of agency certification. In accordance with 1 Ill. Adm. Code 100.Appendix B. Illustration C (Also see the Rulemaking Template 2003)

iii. Also required are one original and two copies of code/file pages. In accordance with 1 Ill. Adm. Code 100.Appendix B. Illustration D (Also see the Rulemaking Template 2003)

iv. Adopted rules filed with the Code Division (file pages) shall not contain either strike-outs or underscoring.

An electronic copy is also required of the Table of Contents, Authority Notes, and Main Source Notes, and the text of the adopted rules with all changes applied. Each section will begin on its own page in order to establish correct headers for each page. All electronic copy must be in a compatible format in order to avoid excessive manipulation and any possible errors associated with manipulating the agencies original document. Therefore all electronic copy must be

i. In Microsoft Word format

ii. With margins set at 1 inch on each side, top, bottom, headers, and footers.

iii. Font must be in Times New Roman 12.

iv. Section Breaks may be inserted into the document.
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 repeaters 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.].

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2003 REGISTER SCHEDULE

<table>
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<tr>
<th>Issue#</th>
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<td>Issue 37</td>
<td>September 02, 2003</td>
<td>September 12, 2003</td>
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Printed by authority of the State of Illinois

July 2001 - 675 - GA -82
ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Motor Vehicle Advertising

2) Code Citation: 14 Ill. Adm. Code 475

3) Section Numbers: Proposed Action:
   475.530 Amendment

4) Statutory Authority: Implementing Section 2, and authorized by Section 4, of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4].

5) A Complete Description of the Subjects and Issues Involved:

   Part 475 describes practices in the advertising of motor vehicles for sale or lease that are considered by the Attorney General to constitute unfair or deceptive acts for purposes of the enforcement of Section 2 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2]. These amendments were developed in response to certain concerns regarding motor vehicle advertising practices, which arose subsequent to the first notice of proposed amendments published on November 22, 2002. Specific changes are described below.

   Section 475.530 is amended to ensure that advertisements only refer to rebate programs that are funded solely by the manufacturer. Section 475.530 is also amended to make it clear that it is always an unfair or deceptive act to advertise a price wherein limited rebates have been deducted, regardless of the entity responsible for the advertisement.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers: Proposed Action: Illinois Register Citation:
475.110 Amendment November 22, 2002 (26 Ill. Reg. 16880)
475.330 Repeal November 22, 2002 (26 Ill. Reg. 16880)
475.420 Amendment November 22, 2002 (26 Ill. Reg. 16880)
475.530 Amendment November 22, 2002 (26 Ill. Reg. 16880)
ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

475.560  New Section  November 22, 2002 (26 Ill. Reg. 16880)
475.590  Amendment   November 22, 2002 (26 Ill. Reg. 16880)

10) Statement of Statewide Policy Objectives: Neither creates nor modifies a State mandate within the meaning of Section 3 (b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing throughout the first notice period to:

Name: Patricia Kelly, Chief
Consumer Protection Division
Address: Office of the Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois  60601
Telephone: (312) 814-3749

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: automobile dealerships, advertising firms or any other individuals who create auto ads, e.g., newspapers, radio stations, etc.

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

C) Types of professional skills necessary for compliance: same experience previously required to comply with the Motor Vehicle Advertising Regulations

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERAL

PART 475
MOTOR VEHICLE ADVERTISING

SUBPART A: GENERAL PROVISIONS

Section 475.110 Definitions

SUBPART B: GENERAL ADVERTISING PRACTICES

Section
475.210 Clear and Conspicuous--Disclosure of Material Terms
475.220 Footnotes and Asterisks
475.230 Print Size
475.240 Photographs and Illustrations
475.250 Abbreviations

SUBPART C: PRICE ADVERTISING

Section
475.310 Advertised Price
475.320 Advertising Limitations
475.330 Low Prices
475.340 Lowest Prices--Guaranteed Lowest Prices
475.350 Price Matching
475.360 Disclosure of Basis for Price Comparison
475.370 Sales
475.380 Liquidation Sale
475.390 Range of Savings or Price Comparison Claims
475.410 Dealer Cost/Invoice Pricing
475.420 Buy-Down Rate

SUBPART D: OTHER ADVERTISING PRACTICES

Section
ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

475.510 Demonstrator, Executive, Official, or Promotional Vehicles
475.520 Rental Vehicles
475.530 Rebates
475.540 Trade-Ins
475.550 No Money Down
475.570 Factory Outlet
475.580 Contract Add-Ons
475.590 Gifts and Free Offers

SUBPART E: CREDIT SALES ADVERTISING

Section
475.610 Credit Sales Advertising Disclosures
475.620 Advertised Terms Unavailable
475.630 Advertised Finance Rate
475.640 Advertisement of Credit Terms

SUBPART F: LEASE ADVERTISING

Section
475.710 Lease Advertising Disclosures
475.720 Other Limitations, Restrictions or Conditions (Repealed)

SUBPART G: EXEMPTION PROVISIONS

Section
475.810 Exemption

AUTHORITY: Implementing Sections 2 and 3 and authorized by Section 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2, 3 and 4].


SUBPART D: OTHER ADVERTISING PRACTICES
Section 475.530  Rebates

a) It is an unfair or deceptive act to advertise any cash rebates, including, without limitation, a payment or an offset to a consumer or payment to a dealer or third party on behalf of the consumer on the condition that the consumer purchase or lease a motor vehicle, unless the rebate is funded solely by a manufacturer pursuant to is offered through a manufacturer's rebate program.

b) It is an unfair or deceptive act for any dealer to advertise a price wherein rebates have been deducted unless every consumer seeking to purchase the advertised vehicle may purchase the vehicle at the advertised price.

c) The Dealers may advertise the availability of a limited rebate may be advertised if the terms of the limitation are clearly and conspicuously disclosed. It is an unfair or deceptive act for any dealer to advertise a price in which limited rebates have been deducted.

(Source: Amended at 27 Ill. Reg. ____________, effective ______________.)
ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Functions and Planning Program

2) Code Citation: 23 Ill. Adm. Code 2310

3) Section Number(s): Proposed Action:
   2310.80 Amendment

4) Statutory Authority: Implementing Section 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act (110 ILCS 1015/5.01, 1015/5.07 and 1015/5.13).

5) A Complete Description of the Subjects and Issues Involved:

   Section 2310.80 is being amended to abate the Annual Fee for Fiscal Year 2003-2004. Authority charges its constituents Annual Fee to cover its operating expenses. Based upon the accountant’s determination, Authority’s reserves are adequate to meet its operating expenses for Fiscal Year 2003-2004. Authority also projects that it will have more than sufficient reserves remaining at the end of Fiscal Year 2003-2004.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes X No
   If "Yes", please specify date:_____________

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

   Section Numbers: Proposed Action: Ill. Reg. Citation:

10) Statement of Statewide Proposed Action: Not to create or enlarge any State Mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments will be accepted for 45 days after the date of publication of this notice at the following address:
ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

Illinois Educational Facilities Authority
120 South Riverside Plaza, Suite 1200
Chicago, Illinois 60606
312) 876-7809
Contact: Thomas P. Conley
Executive Director

12) Initial Regulatory Flexibility Analysis:

A) Date rule submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of small business affected: Not For Profit Cultural and Educational Institutions.

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

D) Types of professional skills necessary for compliance: None.

13) Regulatory agenda in which this rule is summarized: Agency did not anticipate the need for this rulemaking.

The full text of the proposed amendment begins on the next page.
ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATIONAL AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 2310

FUNCTIONS AND PLANNING PROGRAM

Section
2310.5    Introduction
2310.10   Who May Apply for Financing
2310.20   Types of Educational and Cultural Facilities that can be Financed
2310.30   Types of Costs that can be Financed: Outstanding Debt
2310.40   Interest Rate on the Authority's Bonds
2310.50   Method of Financing
2310.60   Length of Bond Issue
2310.70   Type of Bond Issue
2310.80   Fees
2310.90   Authority Bond Issues and Bond Ratings (Repealed)

EXHIBIT A    Estimated Fee Schedule as Special Bond Counsel with Respect to Bonds Issued by Illinois Educational Facilities Authority (Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].

ILLINOIS REGISTER

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

Section 2310.80 Fees

a) The Authority charges the following fees to participating institutions for the services it provides:

1) Application Fee - for processing an Application for Assistance. – An "Application Fee", based upon the following schedule, is payable upon submission of an application and is not refundable:

   A) $250 on issues up to but not including $1,000,000 principal amount;
   
   B) $500 on issues of $1,000,000 up to but not including $5,000,000 principal amount; and
   
   C) $1,000 on issues of $5,000,000 principal amount and over.
   
   AGENCY NOTE: This fee will be credited to the Administrative Charge upon completion of the related bond financing.

2) Administrative Charge - for completing a bond financing. - An "Administrative Charge" equal to 1/4 of 1% of the principal amount of bonds issued or $10,000, whichever is less minus the Application Fee paid, will be assessed at the closing of a financing.

   AGENCY NOTE: The Administrative Charge includes the Annual Fee for the fiscal year in which the bonds are issued.

3) Annual Fee - for servicing a bond financing during a fiscal year. - An "Annual Fee" will be assessed for each bond issue outstanding on July 1 of each year. For Annual Fees coming due on or after July 1, 1997, the Annual Fee shall be 1/100 of 1% of the original amount of the financing or $7,500, whichever is less. The Annual Fee is payable in advance and is not refundable. [The Annual Fee coming due on July 1, 2003 shall be abated based on the Authority’s projection of having sufficient reserves to meet its operating expenses for Fiscal Year 2003-2004.]

b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.
ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 27 Ill. Reg. __________, effective ____________.)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses

2) Code Citation: 77 Ill. Adm. Code 2060

3) Section Numbers: Proposed Action:
   2060.103 Amend
   2060.307 Amend
   2060.319 Amend
   2060.323 Amend
   2060.325 Amend


5) A Complete Description of the Subjects and Issues involved: The proposed amendment relates to patient and client records and confidentiality of those records. Amendments have been proposed to this Part to ensure compliance with the security and privacy provisions of the federal Health Insurance Portability and Accountability Act.

6) Will this proposed rule replace an emergency rule currently in effect? No

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

8) Does this proposed rulemaking contain incorporations by reference? Yes

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 expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

    Karl Menninger, Acting Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
12) Initial Regulatory Flexibility Analysis:

A) **Types of small businesses, small municipalities and not-for-profit corporations affected**: Alcoholism and substance abuse treatment providers doing business with the Department.

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**: The proposed amendments were not included on the last two Regulatory Agenda’s as they were not anticipated at the time of filing the two most recent agendas.

The full text of the Proposed Amendment begins on the next page.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: LICENSURE

PART 2060
ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT
AND INTERVENTION LICENSES

SUBPART A: GENERAL REQUIREMENTS

Section
2060.101 Applicability
2060.103 Incorporation by Reference and Definitions

SUBPART B: LICENSURE REQUIREMENTS

Section
2060.201 Types of Licenses
2060.203 Off-Site Delivery of Services
2060.205 Unlicensed Practice
2060.207 Organization Representative
2060.209 Ownership Disclosure
2060.211 License Application Forms
2060.213 License Application Fees
2060.215 Period of Licensure
2060.217 License Processing/Review Requirements
2060.219 Renewal of Licensure
2060.221 Change of Ownership/Management
2060.223 Dissolution of the Corporation
2060.225 Relocation of Facility
2060.227 License Certificate Requirements
2060.229 Deemed Status (Repealed)

SUBPART C: REQUIREMENTS – ALL LICENSES

Section
2060.301 Federal, State and Local Regulations and Court Rules
2060.303 Rule Exception Request Process
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2060.305 Facility Requirements
2060.307 Service Termination/Record Retention
2060.309 Professional Staff Qualifications
2060.311 Staff Training Requirements
2060.313 Personnel Requirements and Procedures
2060.315 Quality Improvement
2060.317 Service Fees
2060.319 Confidentiality – Patient Information
2060.321 Confidentiality – HIV Antibody/AIDS Status
2060.323 Patient Rights
2060.325 Patient/Client Records
2060.327 Emergency Patient Care
2060.329 Referral Procedure
2060.331 Incident and Significant Incident Reporting
2060.333 Complaints
2060.335 Inspections
2060.337 Investigations
2060.339 License Sanctions
2060.341 License Hearings

SUBPART D: REQUIREMENTS – TREATMENT LICENSES

Section
2060.401 Levels of Care
2060.403 Court Mandated Treatment
2060.405 Detoxification
2060.407 Group Treatment
2060.409 Patient Education
2060.411 Recreational Activities
2060.413 Medical Services
2060.415 Infectious Disease Control
2060.417 Assessment for Patient Placement
2060.419 Assessment for Treatment Planning
2060.421 Treatment Plans
2060.423 Continued Stay Review
2060.425 Progress Notes and Documentation of Service Delivery
2060.427 Continuing Recovery Planning and Discharge

SUBPART E: REQUIREMENTS – INTERVENTION LICENSES
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
2060.501 General Requirements
2060.503 DUI Evaluation
2060.505 DUI Risk Education
2060.507 Designated Program
2060.509 Recovery Homes

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. 13519, effective October 3, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 23 Ill. Reg. 4488, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10803, effective August 23, 1999; amended at 25 Ill. Reg. 11063, effective August 14, 2001; amended at 26 Ill. Reg. 16913, effective November 8, 2002; amended at 27 Ill. Reg. ______________, effective ______________.

SUBPART A: GENERAL REQUIREMENTS

Section 2060.103 Incorporation by Reference and Definitions

“Act” means the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

“Admission” means what occurs after a patient has completed an assessment, received placement into a level of care, and been accepted for and begins such treatment.

“Adolescent” means a person who is at least 12 years of age and under 18 years of age.

“Adult” means a person who is 18 years of age or older.

“Alcohol and Drug Evaluation Report Summary” means the form, developed by the Office of the Secretary of State and required for use by the Illinois courts when granting judicial driving privileges, as defined in Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201].

“Alcohol and Drug Evaluation Uniform Report” means the form, mandated by the Department and produced from the DUI Services Reporting System (DSRS), that is required to report a summary of the DUI evaluation to the circuit court or the Office of the Secretary of State.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

“Americans with Disabilities Act of 1990 (ADA)”, 42 USC 12101, is the federal law requiring that public accommodations offer their services equally to persons without discrimination based on disabilities. An organization may not deny its services, offer unequal services or separate services, or have policies and procedures that have a discriminatory effect based on a disability, and shall remove barriers where possible and provide alternatives where not possible.


“Assessment” means the process of collecting and professionally interpreting data and information from an individual and/or collateral sources, with the individual’s permission, about alcohol and other drug use and its consequences as a basis for establishing a diagnosis of a substance use disorder, determining the severity of the disorder and comorbid conditions and identifying the appropriate level and intensity of substance abuse treatment, as well as needs for other services.

“Associate Director” means the Associate Director of the Department of Human Services Office of Alcoholism and Substance Abuse (OASA).

“Authorized Prescriber” means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] or a physician under federal authority who issues prescriptions pursuant to 21 CFR 1301.25 (2000).

“Authorized Organization Representative” means the individual in whom authority is vested for the management, control and operation of all services at a facility, and for communication with the Department regarding the status of the organization’s licenses at that facility.


“Case Management” means the provision, coordination, or arrangement of ancillary services designed to support a specific patient’s substance abuse treatment with the goal of improving clinical outcomes.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

“Chemical Test” means, in the context of intervention services, a breath, blood or urine test that measures the blood alcohol concentration (BAC) and/or drug concentration.

“Client” means a person who receives intervention services as defined in this Part.

“Clinical Services” means substance abuse assessment, individual or group counseling, and discharge planning. The organization may also determine that other specified activities require the services of a professional staff member.

“Continuing Recovery Plan” means a plan developed with the patient prior to discharge that identifies recommended activities, support groups, referrals and any other necessary follow-up activities that will support and enhance patient progress, to date.

“Continuum of Care” means a structure of interlinked treatment services (either offered by one organization or through linkage agreements with other organizations) that is designed so a patient’s changing needs will be met as that individual moves through the treatment and recovery process.

“Controlled Substance” means a drug or substance, or immediate precursor, that is enumerated in the Schedule of Article II of the Illinois Controlled Substances Act [720 ILCS 570] and in the Cannabis Control Act [720 ILCS 550].

“Department” means the Department of Human Services

“Detoxification” means the process of withdrawing a person from a specific psychoactive substance in a safe and effective manner.

“Discharge” means the point at which the patient’s treatment is terminated either by successful completion or by some other action initiated by the patient and/or the organization.

“Drunk and Drugged Driving Prevention Fund” means a special fund in the State Treasury created by Section 50-20 of the Alcoholism and Other Drug Abuse and Dependency Act out of which the Department may provide reimbursement for DUI evaluation and risk education services to indigent DUI offenders pursuant to this Part, and that it may also use to enhance and support its regulatory inspections and investigations.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

“DUI” means driving while under the influence of alcohol, other drugs or combination thereof as defined in the Illinois Vehicle Title and Registration Law [625 ILCS 5/Ch. 2-5] or a similar provision of a local ordinance.

“DUI Evaluation” means the services provided to a person relative to a DUI offense in order to determine the nature and extent of the use of alcohol or other drugs as required by the Unified Code of Corrections [730 ILCS 5] and Section 6-206.1 of the Illinois Driver Licensing Law [625 ILCS 5/6-206.1].

“DUI Service Reporting System (DSRS)” means the computer software that shall be utilized to summarize all evaluation and risk education services statistics semi-annually and to produce the “Alcohol and Drug Evaluation Uniform Report” and other associated forms.

“Early Intervention” means services that are sub-clinical or pre-treatment and are designed to explore and address problems or risk factors that appear to be related to substance use and/or to assist individuals in recognizing the harmful consequences of inappropriate substance abuse.

“Facility” means the building or premises that are used for treatment and intervention services as specified in this Part.

“Good Cause” means conditions that would prevent a reasonable licensee from meeting one or more of the requirements of this Part.

“HIPAA” means the Health Insurance Portability and Accountability Act, 42 USC 1320(d) et seq., and the regulations promulgated thereunder at 45 CFR 160, 162, and 164 (Transactions, Privacy and Security).

“Incident” means any action by staff or patients that led, or is likely to lead, to adverse effects on patient services.

“Indigent DUI Offender” means anyone who has proven inability to pay the full cost of the DUI evaluation or risk education service as determined through criteria established by the U.S. Department of Health and Human Services and published in the Federal Register and whose costs for such DUI services may be reimbursed from the Drunk and Drugged Driving Prevention Fund, subject to availability of such funds.
“Individual Counseling” means a therapeutic interaction between a patient and professional staff that includes but is not limited to the following: assessment of the patient’s needs; development of a treatment plan to meet those identified needs; continual assessment of patient progress toward identified treatment plan goals and objectives; referral, if necessary; and discharge planning.

“Informed Consent” means a legally valid written consent by an individual or legal guardian that authorizes treatment, intervention or other services or the release of information about the individual, and that gives appropriate information to the individual so that he or she can authorize the service or disclosure with understanding of the consequences.

“Intervention” means activities or services that assist persons and their significant others in coping with the immediate problems of substance abuse or dependence and in reducing their substance use. Such services facilitate emotional and social stability and involve referring persons for treatment, as needed.

“Investigational New Drugs” means those substances that require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 (2002).

“LAAM” means levo-alpha-acetyl-methadol that is a synthetic opioid agonist whose opioid effect is slower in onset and longer in duration (72 hours) than methadone and that is used in opioid maintenance therapy.


“Linkage Agreement” means a written agreement with an external organization to supplement existing levels of care and to arrange for other specialty services not directly provided by the organization.

“Methadone” means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) that is used in opioid maintenance therapy.

“Mission Statement” means the reason for existence for the organization and/or specific setting or service.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

“Opioid Maintenance Therapy (OMT)” means the medical prescription, medical monitoring and dispensing of opioid compounds (such as Methadone and LAAM) as a medical adjunct to substance abuse treatment.

“Off-Site Delivery of Services” means licensable services that are delivered at a location separate from the licensed facility.

“Organization” means any public or private agency, corporation, unit of State or local government or other legal entity acting individually or as a group that seek licensure or is licensed to operate one or more substance abuse treatment or intervention services.

“Patient” means a person who receives substance abuse treatment services as defined in this Part from an organization licensed under this Part.

“Person” means any individual, firm, group, association, partnership, corporation, trust government or governmental subdivision or agency.

“Physician” means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60].

“Practitioner” means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise permitted by the United States pursuant to 21 CFR 1301.21 and this State to distribute or dispense in accordance with Section 312 of the Illinois Controlled Substances Act [720 ILCS 510], conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

“Professional Staff” means any person who provides clinical services or who delivers intervention services as defined in this Part.

“Protected Health Information” means the health information governed by HIPAA privacy and security requirements as set forth in 45 CFR 164.501.

“Psychiatrist” means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] and who meet the requirements of the Mental Health and Developmental Disabilities Code [405 ILCS 5].
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

“Recovery Home” means alcohol and drug free housing authorized by an intervention license issued by the Department, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

“Relapse” means a process manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction.

“Residential Extended Care” (formerly halfway house) means residential clinical services for adults (17 year olds may be admitted provided that their assessment includes justification based on their behavior and life experience) or adolescents provided by professional staff in a 24 hour structured and supervised treatment environment. This type of service is primarily designed to provide residents with a safe and stable living environment in order to develop sufficient recovery skills.

“Revocation” means the termination of a treatment or intervention license, or any portion thereof, by the Department.

“Risk” means, in the context of intervention services, the designation (minimal, moderate, significant, or high) assigned to a person who has completed a substance abuse evaluation as a result of a charge for DUI that describes the person’s probability of continuing to operate a motor vehicle in an unsafe manner. This assignment is based upon the following factors: the nature and extent of the person’s substance use; chemical testing results; prior dispositions for DUI; statutory summary suspensions or reckless driving convictions reduced from a DUI; and any other significant dysfunction resulting from substance abuse or dependence.

“Secretary” means the Secretary of the Department of Human Services or his or her designee.

“Significant Incident” means any occurrence at a licensed facility that requires the services of the coroner and/or that renders the facility inoperable.

“Significant Other” means the spouse, immediate family member, other relative or individual who interacts most frequently with the patient in a variety of settings and who may also receive substance abuse services.
“Substance Abuse or Dependence” means maladaptive patterns of substance use leading to a clinically significant impairment or distress as defined in the American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders Fourth Edition (DSM-IV), 1400 K Street NW, Washington, DC 20005 (1994, no later amendments or editions included).

“Support Staff” means any staff who do not deliver clinical or intervention services.

“Transfer” means the process that occurs when a patient can no longer receive services at an organization because the appropriate level of care is not available, or the movement of the patient from one level of care to another within an organization’s continuum of care.

“Treatment” means a continuum of care provided to persons addicted to or abusing alcohol or other drugs that is designed to identify and change patterns of behavior that are maladaptive, destructive and/or injurious to health; or to restore appropriate levels of physical, psychological, and/or social functioning.

“Treatment Plan” means an individually written plan for a patient that identifies the treatment goals and objectives based upon a clinical assessment of the patient’s individual problems, needs, strengths and weaknesses.

“Tuberculosis Services” means counseling the person regarding tuberculosis; testing to determine whether the person has been infected with mycobacteria tuberculosis to determine the appropriate form of treatment; and providing for and referring the infected person for appropriate medical evaluation and treatment.

“U.S. Drug Enforcement Administration rules and regulations pertaining to medical dispensary services” means 21 CFR 1301.71-1301.76, 1304, and 1307.2 (2000).

“Universal Precautions” means the following guidelines published by the U.S. Centers for Disease Control and Prevention:

“Recommendations for Prevention of HIV Transmission in Health Care Settings”, MMWR 1987; 36 (2s); and

“Utilization Review” means a quality protective function that attempts to ensure that the patient is receiving an appropriate level of services, in accordance with assessed clinical conditions. Utilization review activities focus primarily in four major areas:

the appropriateness and clinical necessity of admitting a patient to a level of care;

the appropriateness and clinical necessity of continuation of the initiated level of care;

the initiation and completion of timely discharge planning; and

the appropriateness and clinical necessity and timelines of support services.

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

SUBPART C: REQUIREMENTS – ALL LICENSES

Section 2060.307 Service Termination/Record Retention

a) The Department shall be notified at least 30 calendar days prior to the date on which cessation of any service is scheduled to occur. If involuntary termination occurs due to inability to operate (from damage to facility, loss of staff, change in management, corporate dissolution or any other cause) the licensee shall notify the Department upon termination even though the 30 day notice has not occurred.

b) All patients receiving such services shall be apprised of the pending cessation and the needs of such patients shall be met by alternative means. The Department shall be notified within ten calendar days prior to closure of any case in which it is anticipated that a patient’s needs cannot be met by existing systems of treatment.

c) When notified by an organization of its intention to cease operations at a location, the Department, if necessary, will schedule an inspection to ensure that the controlled substances inventory is transferred or destroyed in accordance with the Drug Enforcement Administration (DEA) requirements set forth at 21 CFR 1307.14 and 1301.21 (1987), respectively.

d) When an organization ceases operation of any service, all records (patient, personnel, financial) relative to that service shall be maintained as follows:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) If the organization has a current license issued by the Department for any other treatment or intervention service, the organization may maintain the records from the service that has ceased operation.

2) If the organization has no other current license issued by the Department for any other treatment or intervention service, all records shall be transferred for maintenance and storage to a treatment or intervention service currently licensed by the Department or to a person specifically exempted from such licensure in Section 15-5 of the Act.

e) The Department shall be notified regarding the location where records will be maintained and stored within ten calendar days after cessation of service.

f) Such records shall be stored and maintained for a period of five years from the date of cessation of service, and required documentation of disclosures of the record pursuant to the provisions of 45 CFR 164.528, for six years.

g) Upon cessation of operation, the license shall automatically become null and void, and all documentation of licensure shall be immediately surrendered to the Department.

(Source: Amended at 27 Ill. Reg. ____________, effective ________________)

Section 2060.319 Confidentiality – Patient Information

a) The organization shall have written policies and procedures controlling access to and use of records and information which is governed by the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR 2 (1987)) of the Alcohol, Drug Abuse, and Mental Health Administration of the Public Health Services of the United States Department of Health and Human Services effective August 10, 1987, which is incorporated herein by reference, and Article 30 of the Act [20 ILCS 301/Art. 30], and access to and use of protected health information governed by the Health Insurance Portability and Accountability Act (HIPAA), 42 USC 1320 et seq., and the regulations promulgated thereunder at 45 CFR Parts 160, 162 and 164. The policies and procedures shall be consistent with said regulations and statutes. The organization shall comply with said regulations and statutes.

b) This Section shall not prohibit:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) disclosure of information about a crime committed by a patient at the organization, or a threat to commit such crime;

2) disclosure of information about suspected child abuse or neglect, as allowed by, required by and consistent with State law;

3) disclosure of a patient’s own records to the patient, or as consented to in writing by the patient;

4) communications of information between or among personnel having a need for the information in connection with their duties either within the organization or with an entity having direct administrative control over the services;

5) disclosure of information to medical personnel if necessary in a medical emergency;

6) disclosure of information as authorized by an appropriate court order upon showing of good cause, after appropriate procedure and notice, and with appropriate safeguards against unauthorized disclosure contained in the order as set forth in 42 CFR 2.62-2.67 (1987);

7) disclosure of information to qualified personnel for the purpose of conducting scientific research as set forth in 42 CFR 2.52 (1987) (if such disclosure is in compliance with HIPAA regulations, 45 CFR Parts 160, 162 and 164);

8) disclosure of information to qualified personnel who are authorized by law or who provide financial assistance for the purpose of conducting audit or evaluation activity (services review or evaluation, quality review, financial or management audits, etc., as set forth in 42 CFR 2.53 (1987)). This Section shall also not prohibit any other disclosure not precluded by the regulations and statute cited in subsection (a) above, nor by any other applicable law, provided that any and all of the above disclosure is done consistent with the regulations and laws in subsection (a) above, is made only to the extent allowed, for the purposes allowed and that appropriate safeguards as required therein are provided.

c) Patient records and any other information which is subject to any laws and rules cited in this Section shall be maintained in a secure room, locked file cabinet, safe
or other similar container when not in use. If patient information is stored in electronic or other types of automated information systems, security measures shall be in place to prevent inadvertent or unauthorized access to such information.

d) Except as authorized by an appropriate court order granted pursuant to the regulations and statutes cited in this Section, no record referred to by said laws may be used to initiate or substantiate any charges against a patient or to conduct any investigation of a patient.

e) The prohibitions cited in this Section apply to records concerning any individual who has been a patient, regardless of whether or when he or she ceases to be a patient.

f) When the Department requests a record of information which is subject to the regulations and statutes cited in this Section for audit, evaluation, research or other authorized purposes, it shall, in writing:

1) indicate the purpose for obtaining the information;

2) agree to maintain the information in accordance with security requirements of said laws;

3) agree to comply with limitations on disclosures in said laws;

4) agree to destroy all the information upon completion of its use; and

5) indicate the authorized personnel to whom such information is to be submitted.

g) Organizations providing a DUI evaluation or risk education intervention service shall disclose offender information as allowed by law. The informed consent form and procedures as referenced in Section 2060.503(d) and (e) of this Part shall be utilized to allow for the disclosure of evaluation and risk education information to Illinois court officials, the Illinois Office of the Secretary of State and the Department for the purpose of adjudicating and court monitoring of DUI cases, drivers license issues and for monitoring licensed services.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

h) Organizations shall have policies and procedures to comply with HIPAA and its regulations as set forth more specifically in Sections 2060.323(e) and 2060.325(u) of this Part.

(Source: Amended at 27 Ill. Reg. ______________, effective ____________________)

Section 2060.323 Patient Rights

a) A written statement shall be provided to any patient at the time of acceptance for an intervention service or admission to a treatment service which describes the rights of all patients as specified in Article 30 of the Act as follows:

1) access to services will not be denied on the basis of race, religion, ethnicity, disability, sexual orientation or HIV status;
2) services will be provided in the least restrictive environment available;
3) confidentiality of HIV/AIDS status and testing and anonymous testing as specified in Section 2060.321 of this Part;
4) the right to nondiscriminatory access to services as specified in the American’s With Disabilities Act of 1990 (42 USC 12101);
5) the right to give or withhold informed consent regarding treatment and regarding confidential information about the patient;
6) a description of the route of appeal available when a person disagrees with an organization’s decision or policies;
7) confidentiality of patient records as specified in Section 2060.319 of this Part;
8) the right to refuse treatment or any specific treatment procedure and a right to be informed of the consequences resulting from such refusal.

b) The patient will attest by signature that he or she has received a copy of the written statement of patient rights and this signatory document shall be maintained in the patient record.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

c) The statement of patient rights shall be posed in an area accessible to patients at all times.

d) Each patient shall be given the statement of patient rights. If a patient is unable to read such written statement, it shall be read to the patient in a language the patient understands.

e) The patient shall also be given written notice of the uses and disclosures of protected health information which will be collected and maintained, and the rights provided by HIPAA with respect to such information as set forth in 45 CFR 164.520 and referenced in part in Sections 2060.319 and 2060.325(u) of this Part.

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

Section 2060.325 Patient/Client Records

a) Licensees shall maintain a written record for each patient or client. Such record may also be maintained electronically on a computer but shall be made available in hard copy upon request for review by the Department.

b) Any written entry on the record shall be in ink and shall be dated and shall meet all other signatory requirements for professional staff as specified in Sections 2060.421 and 2060.423 of this Part.

c) Written signatures or initials and electronic signature or computer-generated signature codes and corresponding dates are acceptable as authentication to identify the author of the record entry by that author and to confirm that the contents are what the author intended. Signature or initial stamps shall not be utilized.

d) All signatures or initials, whether written, electronic, or computer-generated, shall include the initials of the signers’ credentials.

e) In order to utilize electronic signature or computer-generated signature codes and dates, the organization shall adopt a policy that permits use and authentication by electronic or computer-generated signature and dates and shall, at a minimum:

1) identify which staff are authorized to authenticate records using electronic or computer-generated signatures and dates;
2) ensure that each user is assigned a unique identifier that is generated through a confidential access code;

3) certify in writing that each identifier is kept confidential; and

4) have each user certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.

f) Records maintained on computer shall have a back-up system to safeguard the records in the event of operator or equipment failure.

g) Any document or entry made on a document in the record that is in any other language than English shall have an accompanying English language translation.

h) All records shall be protected in a locked room, locked file, safe or similar container or in computer records with secure, limited access.

i) The record shall document any service provided by the organization at any facility. Additionally, if the organization provides multiple services that are licensed by the Department at any facility, one record can document all of such services.

j) The record shall contain the signatory document that indicates the patient/client has been informed of his or her rights.

k) The record shall contain documentation indicating the consent of the patient, and any other family members or guardians, for any service.

l) The record shall contain, on a standardized format, the following information:
    1) name;
    2) home address;
    3) home and work telephone number;
    4) date of birth;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

5) sex;
6) race or ethnic origin and/or language preference;
7) emergency contact;
8) education;
9) religion;
10) marital status;
11) type and place of employment;
12) physical or mental disability, if any;
13) social security number, if requested;
14) drivers license number, county of residence and county of arrest (required only for DUI evaluation or risk education services); and
15) annual household income, if applicable to any subsidized or reduced fee for service, unless this information is kept in a separate financial record.

16) documentation of any disclosures of HIPAA protected health information to any individual or entity other than the subject of the information for purposes other than treatment, payment or routine health care operations (see Section 2060.325(u)(3) of this Part.)

m) The record shall contain dates of any admission, change in level of care or discharge.

n) The record shall contain a dated service fee statement and proof, if applicable, of any qualifying documents relative to fee subsidization, including the “Qualification for DUI Services as an Indigent” form, unless this information is kept in a separate financial record.

o) The record shall be kept for a period of five years from the date of discharge, except that required accounting of disclosures of HIPAA protected health information...
information must be kept for six years. While organizations may elect to keep records past this five year period, if the option to delete records is exercised, it shall be done by one of the following methods:

1) burning or shredding; or

2) erasure from all computer files.

p) The record shall contain the following information or documents for any treatment service:

1) documentation of the treatment assessment and patient placement process;

2) documentation of the diagnostic impression and physician confirmed diagnosis;

3) documentation of laboratory and/or other diagnostic procedures/results and reports that the organization directly provided (except for HIV testing unless the patient has given written informed consent) and documentation of the tuberculin skin test results, the date given and date read, if applicable;

4) the treatment plan and documentation of all required signatures and dates;

5) progress notes that document all treatment services, any subsequent treatment plan reviews and on-going assessment and documentation of all required signatures and dates;

6) documentation of completion of patient education specified in Section 2060.409 of this Part;

7) documentation of any correspondence or telephone calls received or made relevant to treatment services; and

8) a copy of the discharge summary unless the patient left prior to receiving any of these services.

q) The record shall contain copies of all referenced forms in Subpart E for any offender receiving a DUI evaluation or risk education service.
A staff member shall be designated who will have responsibility to ensure that all records are in compliance with this Part. This staff member shall review, at least annually, the record system to ensure that the system meets all requirements specified in this Part.

Records shall be kept in the facility where the patient/client is receiving services (or in accordance with Section 2060.203(b) of this Part, in specific relation to off-site services) and shall be directly accessible to the professional staff providing those services.

Information in the record may be used for training, research and quality improvement provided that the information is collected in accordance with any relevant confidentiality requirements.

Licensees shall have procedures to comply with HIPAA Privacy and Security provisions (45 CFR 160 and 164) including at least the following:

1) procedure to access the patient’s record as set forth in 45 CFR 164.524;

2) procedure to request amendment to his or her record as set forth in 45 CFR 164.526;

3) procedure to request an accounting of disclosures of his or her medical records or portions thereof for the previous six years as set forth in 45 CFR 164.528; and

4) procedure to file a complaint with the licensee and with the U.S. Department of Health and Human Services, Office of Civil Rights in connection with an alleged violation of the HIPAA Privacy provisions as set forth in 45 CFR 160.306.

(Source: Amended at 27 Ill. Reg. ________________, effective ________________)
DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of Part:** Automobile Anti-Theft Mechanisms

2) **Code Citation:** 50 Ill. Adm. Code 932

3) **Section Numbers:** Proposed Action:

   932.10   Amendment
   932.20   Amendment
   932.30   Amendment
   932.40   Amendment
   932.50   Amendment
   932.60   Amendment

4) **Statutory Authority:** Implementing Section 143.28 and authorized by 401 of the Illinois Insurance Code [215 ILCS 5/143.28 and 401].

5) **A Complete Description of the Subjects and Issues Involved:** The tiered discount rates that were established within the rule 20 years ago, which required the insurance industry to offer discounts to insureds who may have had any one, or combination of anti-theft devices installed on their automobile either aftermarked, or by the manufacturer, have become obsolete in their current form. This regulation will be updated to reflect simplified standards and procedures.

6) **Will this proposed amendment replace an emergency rule currently in effect?** No

7) **Does this amendment contain an automatic repeal date?** No

8) **Does this proposed amendment contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not for profit corporations affected:** These amendments will not have an impact on small businesses.

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 Amendment was summarized:** January 2003

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 932
AUTOMOBILE ANTI-THEFT MECHANISMS

Section
932.10 Authority
932.20 Definitions
932.30 Scope
932.40 Discounts to Qualified Motor Vehicles
932.50 General Rules Applicable To All Anti-Theft Mechanisms
932.60 Types of Anti-Theft Devices Qualifying for Discounts (Repealed)
932.70 Severability Provision


Section 932.10 Authority

This Part is issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code, which empowers the Director “... to make reasonable Rules and Regulations as may be necessary for making effective ...” the insurance laws of this State. This Part implements Section 143.28 of the Illinois Insurance Code by establishing guidelines and procedures for the approval and certification of anti-theft mechanisms devices for purposes of obtaining automobile insurance premium reductions requiring all insurance companies to allow appropriate reductions for rates and premium charges for insured automobiles which are equipped with anti-theft mechanisms or devices approved by the Director.

(Source: Amended at 27 Ill. Reg. _____, effective ________________ )

Section 932.20 Definitions
ANTI-TheFT Mechanism means any passive or active anti-theft system and passive or active anti-theft devices permanently installed, either as original equipment from the manufacturer or as after market equipment on the vehicle, that is designed to inhibit the theft of the vehicle or its components.

Alarm means a horn, bell, siren or other sounding device which is audible at 300 feet.

Lock means a device primarily designed to prevent the illegal operation of a switch, latch or other mechanism.

Redundant Starting Means means a switch in addition to the primary ignition switch which makes the ignition or starter system inoperable and which is not visible from the driver’s position or which is disguised or protected by a separately installed lock.

(Source: Amended at 27 Ill. Reg. ______, effective ______________________)

Section 932.30  Scope

This Part applies to all private passenger motor vehicles and to pick-up trucks rated as private passenger automobiles, policies of automobile insurance as described in Section 143.13(a) of the Illinois Insurance Code [215 ILCS 5/143.13(a)].

(Source: Amended at 27 Ill. Reg. ______, effective ______________________)

Section 932.40  Discounts to Qualified Motor Vehicles

All insurance companies issuing policies of automobile insurance, as defined in Section 143.13(a) of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 755.13(a)) [215 ILCS 5/143.13(a)], which insure automobiles that are equipped with contain anti-theft mechanisms devices as described herein, shall allow a discount the following discounts on comprehensive coverage to qualifying automobiles in an amount deemed appropriate by the insurer, but shall not be less than a 5% discount on comprehensive coverage.

a) Category 1 devices shall receive a 5% discount.
b) Category 2 devices shall receive a 10% discount.
c) Category 3 devices shall receive a 15% discount.
DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. _____, effective ______________________)

Section 932.50 General Rules Applicable To All Anti-Theft Devices

a) Unless otherwise specified, if two or more anti-theft devices are installed to the same vehicle, the total discounts shall be that applicable to the device qualifying for the highest discount.

b) Stickers identifying the specific type of anti-theft system may not be attached to the vehicle unless specifically permitted by this Part.

c) Insurers may require reasonable evidence of installation of any anti-theft device but the insurer may not make requests so onerous as to effectually discourage the owner from seeking the applicable discount. In no case may the evidence be less than an affidavit from

1) the insured or agent and

2) the installer (who may be the owner).

d) An additional 5% discount will be allowed if the automobile is equipped with a hood lock and latching mechanism, if the automobile is also equipped with a redundant starting means or an alarm system.

e) An electronic keyless device having at least 10,000 combinations may be substituted for a separately installed keyed lock wherever required by that Part.

(Source: Amended at 27 Ill. Reg. _____, effective ______________________)

Section 932.60 Types of Anti-Theft Devices Qualifying for Discounts (Repealed)

a) Category 1:

1) Ignition or starter cut-off switch. A non-passive internally activated device which disables the vehicle by making the ignition or starter system inoperable. The switch must be installed so that it is not visible from the driver's position where the driver is seated unless protected by a separately installed lock.
NOTICE OF PROPOSED AMENDMENTS

2) A non-passive operated alarm meeting the following standards:

A) The alarm must be triggered by entry of doors, hood and trunk.

B) The hood must be equipped with either a hood lock and latch mechanism or an inside hood latch control.

C) If the system is equipped with a motion detector, the alarm must sound for no more than 10 minutes and upon ceasing, the alarm must reset itself.

D) The alarm must be installed in the engine compartment so as to be inaccessible without opening the hood.

E) The switch must be installed so that it is not visible from the driver's seat unless protected by a separately installed lock.

F) If the system is internally inactivated, the maximum time delay permitted to disarm the system after re-entry is 20 seconds.

3) Window identification system in which the complete manufacturer's ID number (vehicle identification number) is etched by a tool which will not destroy the integrity of the glass into all the windows of the vehicle other than small vent windows and on or near the front or rear bumpers. A sticker may identify the presence of this system.

This discount may be applied to a vehicle with an external hood release. The discount (a window identification system) is in addition to any other discount permitted by subsection (a), (b) or (c) herein.

b) Category 2:

1) A passive alarm system meeting the standards described in subsection (c)(1) of this Section but which also includes a motion detection device which cannot be disarmed independently from the remainder of the system.

2) A non-passive internally operated alarm meeting the criteria of subsection (a)(2) of this Section and equipped with a forced action prompter which
DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

activates the horn or flashes the headlights for a minimum of five minutes upon removing the key without first setting the alarm.

3) High Security Ignition Replacement Lock which cannot be removed using a conventional slide hammer or lock puller equipment installed in a vehicle with a metal lock and steering wheel housing.

4) A sticker may identify the presence of this system.

c) Category 3:

1) A passive alarm system which meets the following criteria:

A) The alarm must be triggered by entry of doors, hood and trunk.

B) The hood must be equipped with either a hood lock and latch mechanism or an inside hood latch control.

C) If equipped with a motion detector, the alarm must sound for no more than ten minutes and upon ceasing, must reset itself.

D) The alarm must be installed in the engine compartment so as to be inaccessible without opening the hood.

E) The maximum time delay permitted to disarm the system after re-entry is 20 seconds.

F) If equipped with a motion detection device which sounds the alarm upon lifting or shaking the automobile, provision must be made for separately disarming the shaker switch independently of the remainder of the system.

G) The system is equipped with either a redundant starting means or an internal hood lock meeting the standards of Section 932.50(d).

2) Passive fuel cut-off switch which requires the driver to trip a switch to open the fuel line each time the car is started and which meets the following criteria:
NOTICE OF PROPOSED AMENDMENTS

A) The fuel line must be blocked when the power is off.

B) The switch to open the fuel line must be well hidden from view but accessible to the driver from the driver’s seat.

C) In normal operation, the automobile must not be able to be started unless the fuel cut-off switch is tripped and the fuel line is opened.

D) A parking/service attendant override switch may be provided. It must be disguised or hidden from view.

3) Passive ignition cut-off system. This system disables one or more components such that the engine cannot be started or hot-wired. Such device must meet these criteria:

A) If designed to disable the ignition circuit at a present engine speed, the ignition must cut off automatically as soon as the engine reaches a speed in the range of 1000 to 1700 RPM.

B) The disconnect/grounding wiring must blend with factory installed wiring.

C) A push button or other type of disarm switch must be disguised or hidden from view unless operated by a separately installed lock.

D) A parking service attendant override switch may be provided but must be disguised or hidden from view.

(Source: Repealed at 27 Ill. Reg. ______, effective ___________________)
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Practice in Administrative Hearings

2) **Code Citation:** 89 Ill. Adm. Code 104

3) **Section Numbers:** **Proposed Action:**

   - 104.206 Amendment
   - 104.272 Amendment
   - 104.274 Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-789

5) **Complete Description of the Subjects and Issues Involved:** This proposed rulemaking is intended to implement new provisions under Public Act 92-789 regarding administrative hearings that affect providers in the Medical Assistance Program.

   The changes at Section 104.206 allow the Department to seek interest at the rate of five percent per annum on the recovery of money when the basis of the recovery is predicated on the provider having made a false statement or misrepresentation of a material fact in connection with billing and payment. Proposed changes add requirements concerning the Department’s written notification to the provider of the intent to recover interest. Companion amendments at 89 Ill. Adm. Code 140.15 provide authorization for recovery of interest amounts. These changes are expected to result in a small increase in monetary recoveries, but the amount is unknown.

   Proposed changes to Sections 104.272 and 104.274 provide changes concerning the withholding of payments during the pendency of administrative actions. Currently, when the Department initiates a termination action against a medical provider, payments are suspended pending the final administrative decision of the Director of the Department. If the final decision is not issued within 120 days of the notice initiating the termination proceedings, the withheld payments must be released.

   Under Public Act 92-789, the 120 day limit on withholding payments has been eliminated. Instead, the Act requires the Department to issue criteria and procedures for release of payments and further requires the Department to complete administrative proceedings in a timely manner. The potential budgetary impact of these proposed changes is unknown.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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

8) Do these proposed amendments contain incorporations by reference?  No

9) Are there any other proposed amendments pending on this Part?  Yes

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<th>Proposed Action</th>
<th>Illinois Register Citation</th>
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</thead>
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<tr>
<td>104.102</td>
<td>Amendment</td>
<td>October 25, 2002 (26 Ill. Reg. 15261)</td>
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10) Statement of Statewide Policy Objectives:  These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:  Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking.  All comments must be in writing and should be addressed 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 Department requests the submission of written comments within 30 days after the publication of this notice.  The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85].  These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30].  These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Institutional and noninstitutional providers in the Department’s Medical Assistance Program

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: These proposed amendments were not included on either of the two most recent agendas because:

This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendments begins on the next page:
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section
104.1 Assistance Appeals
104.10 Initiation of Appeal Process
104.11 Pre-Appeal Review
104.12 Notice of Hearing
104.20 Conduct of Hearings
104.21 Representation
104.22 Appellant Participation in Hearing
104.23 Evidentiary Requirements
104.30 Subpoenas
104.35 Amendment of Appeal
104.40 Consolidation of Appeals
104.45 Postponement or Continuation of Hearings
104.50 Withdrawal of Appeal
104.55 Closing of Hearing Record
104.60 Dismissal of Appeal
104.70 Final Administrative Decision
104.80 Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section
104.100 Support Order, Responsible Relative and Joint Payee Petitions
104.101 Petition for Hearing
104.102 Conduct of Administrative Support Hearings
104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104 Conduct of Other Hearings
104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

104.110 Conduct of Hearings on Joint Owner’s Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR HEARINGS

Section
104.200 Applicability
104.202 Definitions
104.204 Notice of Denial of An Application
104.206 Notice of Intent to Recover Money
104.207 Notice of Contested Paternity Hearing
104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
104.210 Right to Hearing
104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212 Prior Factual Determinations
104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
104.215 Notice of Formal Conference
104.216 Formal Conference on Recovery of Money
104.217 Purpose of Formal Conference
104.220 Notice of Hearing
104.221 Issues at Hearings
104.225 Legal Counsel
104.226 Appearance of Attorney or Other Representative
104.230 Notice, Service and Proof of Service
104.231 Form of Papers
104.235 Discovery
104.240 Conduct of Hearings
104.241 Amendments
104.242 Motions
104.243 Subpoenas
104.244 Burden of Proof
104.245 Witness at Hearings
104.246 Evidence at Hearings
104.247 Cross-Examination
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

104.248 Disqualification of Hearing Officers
104.249 Genetic Testing in Contested Paternity Hearings
104.250 Official Notice
104.255 Computer Generated Documents
104.260 Recommendation of Peer Review Committee
104.270 Time Limits for Hearings
104.271 Continuances and Extensions
104.272 Withholding of Payments During Pendency of Proceedings
104.273 Continuation of Payments During Pendency of Proceedings
104.274 Denial of Payments for Services During Pendency of Proceedings
104.280 Record of Hearings
104.285 Failure to Appear or Proceed
104.290 Recommended Decision
104.295 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section
104.300 Authority
104.302 Definitions
104.304 Department Actions Against Nursing Homes Facilities
104.310 Certification
104.320 Joint Administrative Hearing
104.330 Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section
104.400 Suspected Intentional Violation of the Program
104.410 Advance Notice of Administrative Disqualification Hearing
104.420 Postponement of Hearing
104.430 Administrative Disqualification Hearing Procedures
104.440 Failure to Appear
104.450 Participation While Awaiting a Hearing
104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: INCORPORATION BY REFERENCE

Section 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 27 Ill. Reg. _______________, effective ______________.

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.206 Notice of Intent to Recover Money

a) Institutional Vendors

1) For purposes of this Section, institutional vendors means providers enrolled in the Medical Assistance Program to provide inpatient or residential services, such as hospitals and long term care facilities.

2) The Department shall notify the institutional vendor in writing of an intent to recover money, setting forth:

   A) the reason for the Department's action,
   B) a statement of the right to request a hearing,
   C) a statement of the time, place and nature of the hearing,
   D) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
   E) a reference to the Sections of the statutes and rules involved.

3) For institutional vendors, the Department will not recover money prior to the issuance of a final administrative decision, unless the Department determines that the recovery of money would be in jeopardy if the recovery does not occur prior to the completion of the hearing due to events such as, but not limited to, pending decertification of the provider or the filing of a False Claims Act (31 USC 3729) action against the provider. In such circumstances, the Department may recover the money prior to the completion of the hearing, and the notice shall set forth:
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

A) the date after which the Department will start to recover money by deducting from Department obligations to the vendor,

B) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested,

C) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted, and

D) a statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.

4) Nothing in this subsection (a), except as provided in subsection (a)(3), shall preclude a vendor who is enrolled to provide inpatient or residential services from voluntarily having the Department recover money by deducting from Department obligations to the vendor all or part of the claimed overpayment prior to the completion of any hearing.

b) Noninstitutional Vendors

1) For purposes of this Section, non-institutional vendors means providers enrolled in the Medical Assistance Program that do not provide inpatient or residential services.

2) The Department shall notify the noninstitutional vendor in writing of an intent to recover money setting forth:

A) the requirements described in subsections (a)(2)(A) through (E) of this Section,

B) the date after which the Department will start to recover money by deducting from Department obligations to the vendor,

C) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested,
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

D) A statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted, and

E) A statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.

c) Recovery of Interest

1) The Department may recover interest on the amount of an overpayment at the rate of five percent per annum if it is established through an administrative hearing that the overpayment resulted from the institutional or noninstitutional vendor willfully making, or causing to be made, a false statement or misrepresentation of a material fact in connection with billings and payments under the medical assistance program.

2) The Department shall notify the institutional or noninstitutional vendor in writing of its intent to recover interest on the amount of overpayment by setting forth:

A) The requirements described in subsections (a)(2)(A) through (E) of this Section.

B) A statement of the amount of overpayment subject to recovery of interest.

C) A statement of the amount of interest as of the date of notice.

D) A statement that the amount of interest may continue to accrue until such time as the amount of overpayment subject to interest has been paid.

E) A statement that any amounts withheld pursuant to Section 104.272 shall first be applied to the amount not subject to the interest provisions of this subsection (c). If the amounts subject to recovery of interest are withheld, the interest will be adjusted to reflect the withholding, and
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

F) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted.

d) Nothing in this Section shall preclude a vendor from voluntarily paying the amount of interest or having the Department recover the interest by deducting from Department obligations to the vendor prior to completion of the hearing. If the vendor has voluntarily paid the amount of overpayment subject to recovery of interest prior to the issuance of a final administrative decision, the amount of interest will cease to accrue.

(Source: Amended at 27 Ill. Reg. ________, effective ___________)

Section 104.272 Withholding of Payments During Pendency of Proceedings

a) Payments on pending and subsequently submitted bills may be withheld during the pendency of the administrative proceeding:

1) Where

   A) the administrative proceeding seeks the termination of the provider; or

   B) the administrative hearing is seeking recovery of money and the recovery is at risk due to the financial or other circumstances of the provider.

2) Where the administrative proceeding is seeking recovery of money only, the withholding shall be limited to the amount sought in the recovery and in conformance with Section 104.273, except that if a final administrative decision has not been issued within 120 days of service of the notice of intent to terminate, unless delay has been caused by the vendor, payment can no longer be withheld. Payments will be released at the end of the 120 days subject to setoff for recovery of the amount sought in the proceeding.

b) A provider may request a full or partial release of withheld payments. The provider must submit a request, in writing, setting forth the reasons the payments should be released, to the Office of Inspector General at either 404 North Fifth Street, Springfield, Illinois 62702, or by e-mail to oig_webmaster@mail.idpa.state.il.us. The request should set forth the reasons for
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

the request in conformance with subsection (c) of this Section. This 120-day limit may be extended if:

1) The extension is mutually agreed to by the Department and the vendor.
2) If delay has been caused by the vendor, the 120-day limit will be extended by the number of days the vendor has caused the proceeding to be delayed. Whenever a request by the vendor or his authorized representative to continue or reschedule a hearing session being held subsequent to the date originally set by the Department for such hearing session, such request shall constitute a delay caused by the vendor equal to the number of days between the new hearing date and the date originally scheduled. Approval of any of the following or other similar requests will also be considered a delay caused by the vendor:

A) that a period of preparation for written submissions or oral arguments be allowed;

B) that the time for filing written exceptions under the 89 Ill. Adm. Code 140.290 be extended.

c) Partial or full release of payments on pending and subsequently submitted bills may be granted, at the discretion of the Inspector General of the Department, based on the following factors:

1) The Department has not proceeded in a timely manner in presentation of its case in the administrative proceeding, including, but not limited to, lengthy delays in the availability of Department witnesses, attorneys or Administrative Law Judges.

2) Where it is in the best interests of the recipients of medical assistance. This may include, but is not limited to access to medical services for recipients; or the potential movement of patients from long term care settings.

3) Where, based on the reasons for the initiation of the proceeding, the full or partial release of payments would not be, in the judgment of the Inspector General, detrimental to the recipients or the Department.
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

4) Whether the vendor has caused delays in proceeding in a timely manner, including, but not limited to, delays in the availability of witnesses or attorneys.

d) The Inspector General will notify the provider in writing of the decision on the request for release of payments.

e) Payments on pending and subsequently submitted bills will not be released if:

1) The basis for the termination is a criminal conviction.

2) The basis for the termination is the termination, revocation or denial of a professional license or certification.

3) The provider has had payments suspended pursuant to 42 CFR 455.23.

4) The provider has had payments suspended pursuant to 305 ILCS 5/12-4.25 (F-5).

f) The Inspector General may release partial payment when, in the judgement of the Inspector General, full release of payments are not warranted pursuant to subsection (b) of this Section, but a partial release would meet these criteria.

g) The Inspector General may again institute full or partial withholding of payments after a full or partial release of payments if:

1) The vendor has not proceeded in a timely manner in presentation of its case in the administrative proceeding, including, but not limited to, lengthy delays in the availability of witnesses or attorneys.

2) The vendor’s professional license or certification has been, revoked, suspended, denied or otherwise not renewed.

h) If the vendor is terminated as a result of final agency action, payments or credit for any services rendered subsequent to receipt of the notice of intent to terminate shall be denied. The vendor will receive payment or credit for services rendered prior to receipt of the notice of intent to terminate subject to setoff for recovery of the amount sought in the proceeding.

(Source: Amended at 27 Ill. Reg. ________, effective ____________)
Section 104.274  Denial of Payments for Services During Pendency of Proceedings

a) If the vendor is terminated as a result of final agency action, payments or credit for any services rendered subsequent to receipt of the notice of intent to terminate shall be denied unless:

   a)\(^1\) Pursuant to Section 104.273, payments were not withheld; or
   b)\(^2\) Pursuant to Section 104.272, previously withheld payments for such services had been released because the administrative proceeding had been pending for more than 120 days.

b) In actions initiated pursuant to Section 104.208(b), if the vendor is terminated as a result of final agency action, payments or credit for any services rendered subsequent to receipt of the notice of intent to terminate shall be denied regardless of whether or not any hearing requested is completed in 120 days.

(Source: Amended at 27 Ill. Reg. ________, effective ____________)}
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Medical Payment

2) **Code Citation:** 89 Ill. Adm. Code 140

3) **Section Numbers:** Proposed Action:

   140.15 Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-789

5) **Complete Description of the Subjects and Issues Involved:** This proposed rulemaking is intended to implement new provisions under Public Act 92-789 regarding the recovery of money improperly or erroneously paid to providers in the Medical Assistance Program. The changes allow the Department to seek interest at the rate of five percent per annum on the recovery of money when the basis of the recovery is predicated on the provider having made a false statement or misrepresentation of a material fact in connection with billing and payment. These changes are expected to result in a small increase in monetary recoveries, but the amount is unknown. Companion amendments at 89 Ill. Adm. Code 104.206 add requirements concerning the Department’s written notification to the provider of the intent to recover interest on money improperly or erroneously paid to the provider.

6) **Will these proposed amendments replace 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

9) **Are there any other proposed amendments pending on this Part?** No

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<th>Proposed Action</th>
<th>Illinois Register Citation</th>
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<td>October 18, 2002 (26 Ill. Reg. 14948)</td>
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<td>Amendment</td>
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<td>Amendment</td>
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<td>August 30, 2002 (26 Ill. Reg. 13026)</td>
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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

11) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed 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 Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** Institutional and noninstitutional providers in the Medical Assistance Program

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

   C) **Types of professional skills necessary for compliance:** None
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because:

This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendments begins on the next page:
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 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

EMERGENCY
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
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients

EMERGENCY
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)
Notice of Proposed Amendments

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)
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)
NOTICE OF PROPOSED AMENDMENTS

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners
140.402 Copayments for Noninstitutional Medical Services
140.405 SeniorCare Pharmaceutical Benefit
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
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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
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
NOTICE OF PROPOSED AMENDMENTS

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
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
140.497 Hearing Aids

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
140.507 Continuation of Provider Agreement
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
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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
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
140.543 Time Standards for Filing Cost Reports
140.544 Access to Cost Reports (Repealed)
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
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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)
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
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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)
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

Section
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
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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)
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)

140.TABLE A Medichek Recommended Screening Procedures (Repealed)
140.TABLE B Geographic Areas
140.TABLE C Capital Cost Areas
140.TABLE D Schedule of Dental Procedures
140.TABLE E Time Limits for Processing of Prior Approval Requests
140.TABLE F Podiatry Service Schedule
140.TABLE G Travel Distance Standards
140.TABLE H Areas of Major Life Activity
140.TABLE I Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J HSA Grouping (Repealed)
140.TABLE K Services Qualifying for 10% Add-On (Repealed)
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On
(Repealed)

140.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/Aarts. 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
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,
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS


SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.15 Recovery of Money

a) The Department may recover money improperly or erroneously paid, or overpayments (see subsection (b) of this Section below for exception to recovery of money), either by setoff (deducting from Department obligations to the vendor), deductions from future billings or by requiring direct repayment.
b) The Department shall not recoup from any long term care provider any amounts subsequently determined to be owed by a client due to an error in the initial determination of medical eligibility.

c) The Department may recover interest on the amount of the overpayment at the rate of five percent per annum if it is established through an administrative hearing that the overpayment resulted from the vendor willfully making, or causing to be made, a false statement or misrepresentation of a material fact in connection with billings and payments under the medical assistance program. For purposes of this Section, “willfully” means making a statement or representation with actual knowledge that it was false, or making a statement or representation with knowledge of facts or information that would cause a reasonable person to be aware that the statement or representation was false when made.

(Source: Amended at 27 Ill. Reg. _____, effective __________)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) **The Heading of the Part:** Pay Plan

2) **The Code Citation:** 80 Ill. Adm. Code 310

3) **Section Numbers:**
   - 310.280 Amended
   - Table O Amended

4) **Statutory Authority:**
   Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

5) **Effective Date of Amendment:** February 11, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this (these) amendment(s) contain incorporations by reference?** No

8) **A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.**
   
   Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.

9) **Notice of Proposal Published in the Illinois Register:**
   - October 25, 2002; Issue #43; 26 Ill. Reg. 15154
   - November 1, 2002; Issue #44; 26 Ill. Reg. 15350

10) **Has JCAR issued a Statement of Objections to this rule?** None

11) **Difference(s) between proposal and final version?**

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?**
NOTICE OF ADOPTED AMENDMENTS

Regarding the rulemaking 25 Ill. Reg. 15154, the Joint Committee on Administrative Rules recommended repealing the designated pay for the Senior Public Service Administrator in the Department of Central Management Services since the incumbent has resigned the position that was added to Section 310.280 (Designated Rate). The Department of Central Management Services will comply with the recommendation after this adoption has been processed.

13) **Will this amendment replace an emergency rule currently in effect?**  No

14) **Are there any proposed amendments pending on this Part?**  Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table AA</td>
<td>Amend</td>
<td>26 Ill. Reg. 1774, 2/15/02</td>
</tr>
<tr>
<td>310.280</td>
<td>Amend</td>
<td>26 Ill. Reg. 13735, 09/20/02</td>
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<tr>
<td>310.280</td>
<td>Amend</td>
<td>26 Ill. Reg. 13901, 09/27/02</td>
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<tr>
<td>Appendix G</td>
<td>Amend</td>
<td>26 Ill. Reg. 16351, 11/8/02</td>
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</table>

15) **Summary and Purpose of Amendments:**

In Section 310.280 Designated Rate, a Senior Public Service Administrator (40070-37-00-000-05-01) position was added to this Section with the annual salary of $120,900 in the Department of Central Management Services.

In Table O RC-028 (Paraprofessional Human Services Employees, AFSCME), the abolished Conservation Resource Technician I and II titles were replaced by the Natural Resource Technician I and II, effective October 1, 2002. The new titles only reflect the agency’s name from the Department of Conservation to the Department of Natural Resources. The salary remains the same as the previous titles.

16) **Information and questions regarding this adopted amendment shall be directed to:**

Ms. Marianne Armento  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 785-8609

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 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 2003
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
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

310.280  Designated Rate
310.290  Out-of-State or Foreign Service Rate
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 (Repealed)
310.520  Conversion of Base Salary to Daily or Hourly Equivalents
310.530  Implementation
310.540  Annual Merit Increase Guide chart for Fiscal Year 2003
310.550  Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A  Negotiated Rates of Pay

<table>
<thead>
<tr>
<th>TABLE A</th>
<th>HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE AA</td>
<td>NR-916 (Department of Natural Resources, Teamsters)</td>
</tr>
<tr>
<td>TABLE AB</td>
<td>VR-007 (Plant Maintenance Engineers, Operating Engineers)</td>
</tr>
<tr>
<td>TABLE B</td>
<td>HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)</td>
</tr>
<tr>
<td>TABLE C</td>
<td>RC-069 (Firefighters, AFSCME) (Repealed)</td>
</tr>
<tr>
<td>TABLE D</td>
<td>HR-001 (Teamsters Local #726)</td>
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</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE E      RC-020 (Teamsters Local #330)
TABLE F      RC-019 (Teamsters Local #25)
TABLE G      RC-045 (Automotive Mechanics, IFPE)
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 2003
APPENDIX C  Medical Administrative Rates for Fiscal Year 2003
APPENDIX D  Merit Compensation System Salary Schedule for Fiscal Year 2003
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 2003

AUTHORITY: Implementing and authorized by Section 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,
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS


Section 310.280  Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

<table>
<thead>
<tr>
<th>Department of Central Management Services</th>
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<tbody>
<tr>
<td><strong>Senior Public Service Administrator</strong></td>
<td><strong>Annual Salary</strong></td>
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<tr>
<td><em>(Pos. No. 40070-37-00-000-05-01)</em></td>
<td><strong>120,900</strong></td>
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<th>Department of Children &amp; Family Services</th>
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<tr>
<td><strong>Public Service Administrator</strong></td>
<td><strong>Annual Salary</strong></td>
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<td><em>(Pos. No. 37015-16-23-120-00-01)</em></td>
<td><strong>85,104</strong></td>
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| Department of Commerce & Community Affairs |  |
### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

#### NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Position Description</th>
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<tr>
<td>Administrative Assistant II</td>
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<td>Public Information Officer IV</td>
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<td>(Pos. No. 37004-42-00-005-10-01)</td>
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**Illinois Labor Relations Board**

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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(Source: Amended at 27 Ill. Reg. 3261, effective February 11, 2003)

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

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### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF ADOPTED AMENDMENTS**

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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Rehabilitation Counselor Aide II RC-028-11 38156
Senior Ranger RC-028-14 40090
Site Technician I RC-028-10 41131
Site Technician II RC-028-12 41132
Social Service Community Planner RC-028-11 41295
State Police Crime Information Evaluator
State Police Evidence Technician I RC-028-12 41901
State Police Evidence Technician II RC-028-13 41902
Statistical Research Technician RC-028-11 42748
Veterans Service Officer RC-028-14 47800
Vocational Instructor RC-028-12 48200

Effective July 1, 2001

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# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF ADOPTED AMENDMENTS**

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Effective July 1, 2002
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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

### NOTICE OF ADOPTED AMENDMENTS

16m

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Effective July 1, 2003

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### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF ADOPTED AMENDMENTS**

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# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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(Source: Amended at 27 Ill. Reg. 3261, effective February 11, 2003)
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

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

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

3) **Section Numbers**: | **Adopted Action**:
---|---
520.100 | Amendment
520.200 | Amendment
520.210 | Amendment
520.220 | Amendment
520.230 | Amendment
520.240 | Amendment
520.250 | Amendment
520.300 | Amendment
520.310 | Amendment
520.315 | Amendment
520.320 | Amendment
520.400 | Amendment
520.410 | Amendment
520.420 | Amendment
520.500 | Amendment
520.510 | Amendment
520.520 | Amendment
520.600 | Amendment
520.610 | New Section
520.620 | New Section
520.630 | New Section
520.640 | New Section
520.650 | New Section
520.700 | Amendment
520.710 | Repeal
520.720 | Repeal
520.730 | Repeal
520.740 | Repeal
520.750 | Repeal
520.800 | New Section
520.900 | Amendment
520.910 | Amendment
520.920 | Amendment
520.930 | Amendment
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

520.1000 Amendment
520.1010 Amendment
520.1020 Amendment
520.1030 Amendment
520.1100 Amendment
520.1110 Repeal
520.1120 Repeal
520.1130 Repeal
520.1140 Repeal
520.1150 New Section
520.1200 New Section
520.1300 New Section
520.1400 New Section
520.1500 New Section
520.1600 New Section
520.1610 New Section
520.1620 New Section
520.1630 New Section
520.1640 New Section
520.1650 New Section

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

5) Effective Date of Amendments: February 14, 2003

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) Notices of Proposal Published in Illinois Register: Published at 26 Ill. Reg. 1845 on February 15, 2002.

10) Has JCAR issued a Statement of Objection to this rule?: No

11) Difference(s) between proposal and final version:

In addition to grammatical and stylistic changes and citation updates, the following were also changed:

In Section 520.210(f), added “6) Closed Military Bases. A military base closed by the United States Government Department of Defense that has been properly designated as and is currently operating as a Local Redevelopment Agency.”.

In Sections 520.510(b)(1), 520.930(g)(3), 520.1030(g)(3), and 520.1630(f)(3), added “as contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2001, no later editions are incorporated)”.

In Section 520.600, changed “cannot be considered job creation” to “or replacement workers to replace company locked out employees cannot be counted as job creation” and added “Job creation must occur within 36 months after the designation date.” in the definition of “Job creation”.

In Section 520.600, added “Job retention means all full-time employees of company employed at the designated location(s) at the time of application submittal.” in the definition of “Job retention”.

In Section 520.630(f), added "The signed and dated statement that the investments would not be placed in service in qualified property and the job exemptions set forth in Section 5.5(b) of the Illinois Enterprise Zone Act applies only to the initial application for designation and not to any subsequent renewals.”.

In Section 520.900, changed “cannot be computed as job creation” to “or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation” in the definition of “Job creation”.

In Sections 520.910(b), 520.1010(b), added “Job retention means all full-time jobs of company employed at the designated location(s) at the time of application submittal.”.
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

In Section 520.1000, changed “cannot be computed as job creation” to “or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation” in the definition of “Job creation”.

In Section 520.1500, added “The Machinery and Equipment/Pollution Control facilities Sales Tax Exemption found in the Retailers’ Occupation Tax Act [35 ILCS 120/1d-1f] allows a business enterprise that is certified by the Department a state sales tax exemption on all tangible personal property which is used or consumed within an enterprise zone in the process of manufacturing or assembly of tangible personal property for wholesale or retail sale or lease. This exemption includes repair and replacement parts for machinery and equipment used primarily in the wholesale or retail sale or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of manufacturing, or assembling machinery or equipment.”

In Section 520.1600, changed “cannot be computed as job creation” to “or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation” in the definition of “Job creation”.

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 an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): These amendments reflect legislative changes affecting retailers' occupation tax and high impact businesses relating to coal purchases, reclassify the rules for ease in use, and clarify the revocation of a business certification and the collection of previously exempted taxes.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
James R. Thompson Center
100 West Randolph
Suite 3-400
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Chicago, IL  60601
(312) 814-9593

The full text of the Adopted Amendments begins on the next page:
PART 520

ENTERPRISE ZONE AND HIGH IMPACT BUSINESS PROGRAMS PROGRAM

SUBPART A: ENTERPRISE ZONES IN ILLINOIS: DEFINITIONS

Section
520.100 Definitions

SUBPART B: ENTERPRISE ZONE: APPLICATION FOR AND CERTIFICATION

Section
520.200 Eligible Applicants
520.210 Eligibility Criteria
520.220 Form of Application
520.230 Application Procedures
520.240 Joint Application
520.250 Application Evaluation and Ranking

SUBPART C: ENTERPRISE ZONE: AMENDMENT AND DECERTIFICATION

Section
520.300 Application to Amend an Ordinance Overview
520.310 Application to Change Boundaries Boundary Changes
520.315 Application to Change Incentives, Alter Termination Date, and Make Technical Corrections
520.320 Decertification

SUBPART D: ENTERPRISE ZONE: LOCAL RESPONSIBILITIES—DESIGNATED ZONE ORGANIZATIONS

Section
520.400 Zone Administration General
520.410 Reporting and Monitoring by Zone Administrators Project Eligibility and Approval
### DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

### NOTICE OF ADOPTED AMENDMENTS

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#### SUBPART E: ENTERPRISE ZONE: DESIGNATED ZONE ORGANIZATIONS LOCAL RESPONSIBILITIES

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#### SUBPART F: HIGH IMPACT BUSINESSES IN ILLINOIS TAX INCENTIVES

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<td>520.610</td>
<td>Eligible Applicants</td>
</tr>
<tr>
<td>520.620</td>
<td>Eligibility Criteria</td>
</tr>
<tr>
<td>520.630</td>
<td>Form of Application</td>
</tr>
<tr>
<td>520.640</td>
<td>Application Approval Process</td>
</tr>
<tr>
<td>520.650</td>
<td>Revocation of the High Impact Business Designation</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>520.700</td>
<td>List of Available Tax Incentives Definitions</td>
</tr>
<tr>
<td>520.710</td>
<td>Eligible Applicants (Repealed)</td>
</tr>
<tr>
<td>520.720</td>
<td>Eligibility Criteria (Repealed)</td>
</tr>
<tr>
<td>520.730</td>
<td>Form of Application (Repealed)</td>
</tr>
<tr>
<td>520.740</td>
<td>Application Review and Approval (Repealed)</td>
</tr>
<tr>
<td>520.750</td>
<td>Revocation of the High Impact Business Designation (Repealed)</td>
</tr>
</tbody>
</table>

#### SUBPART H: INVESTMENT TAX CREDIT CARRY FORWARD

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>520.800</td>
<td>General Definitions (Repealed)</td>
</tr>
<tr>
<td>520.810</td>
<td>Eligibility Criteria (Repealed)</td>
</tr>
<tr>
<td>520.820</td>
<td>Form of Application (Repealed)</td>
</tr>
<tr>
<td>520.830</td>
<td>Application Review and Approval Process (Repealed)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

SUBPART I:  UTILITY TAX EXEMPTION-MACHINERY AND EQUIPMENT/POLLUTION CONTROL FACILITIES SALES TAX EXEMPTION

Section
520.900 Definitions
520.910 Eligibility Criteria
520.920 Form of Application
520.930 Application Review and Approval Process

SUBPART J:  MACHINERY AND EQUIPMENT/POLLUTION CONTROL FACILITIES SALES TAX EXEMPTION-ENTERPRISE ZONE UTILITY TAX EXEMPTION

Section
520.1000 Definitions
520.1010 Eligibility Criteria
520.1020 Form of Application
520.1030 Application and Approval Process

SUBPART K:  BUILDING MATERIAL SALES TAX EXEMPTION-HIGH IMPACT SERVICE FACILITY MACHINERY AND EQUIPMENT SALES TAX EXEMPTION

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

SUBPART L:  JOBS TAX CREDIT

Section
520.1200 General

SUBPART M:  DIVIDEND INCOME DEDUCTION

Section
520.1300 General
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

SUBPART N: INTEREST INCOME DEDUCTION FOR FINANCIAL INSTITUTIONS

Section 520.1400 General

SUBPART O: TELECOMMUNICATIONS EXCISE TAX EXEMPTION ON ORIGINATING CALLS

Section 520.1500 General

SUBPART P: HIGH IMPACT SERVICE FACILITY MACHINERY AND EQUIPMENT SALES TAX EXEMPTION

Section 520.1600 Definitions
520.1610 Eligibility Criteria
520.1620 Form of Application
520.1630 Application Approval Process
520.1640 Use Tax Exemption
520.1650 Revocation of the High Impact Service Facility Designation

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

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: ENTERPRISE ZONES IN ILLINOIS DEFINITIONS

Section 520.100 Definitions


"Agency" means each officer, board, commission, and agency created by the Constitution in the executive branch of State government, other than the State Board of Elections; each officer, department, board, commission, agency, institution, authority, university, body politic and corporate of the State; and each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. No entity shall be considered an "agency" for the purposes of this Act unless authorized by law to make rules and regulations.

"Block groups" shall have the same meaning as defined in the United States Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing Users' Guide, Part B. Glossary.

"Census tract" shall have the same meaning as defined in the United States Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing Users' Guide, Part B. Glossary.

"Department" means the Department of Commerce and Community Affairs.

"Depressed area" means an area in which pervasive poverty, unemployment, and economic distress exist.

"Designated Zone Organization" (DZO) means an association or entity:

The Members of which are substantially all residents of the Enterprise Zone;
The Board of Directors of which is elected by the members of the organization;

Which satisfies the criteria set forth in Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code (26 USC 501(c)(3) or (4)); and

Which exists primarily for the purpose of performing within such area or zone for the benefit of the residents and businesses thereof any of the functions set forth in Section 8 of the Act [20 ILCS 655/3] (Ill. Rev. Stat. 1987, ch. 67½, par. 603).

For the purpose of this definition, "resident" means an individual whose place of residence is within the Enterprise Zone, or a partnership, corporation, association, or sole proprietorship whose principal business office is within the Enterprise Zone.

"Enabling ordinance" means a certified ordinance passed by a city or county to designate, establish and provide for an Enterprise Zone, as specified in Section 5(c) of the Act.

"Enterprise Zone" means an area of the State certified by the Department as an Enterprise Zone pursuant to the Act.

"Enumeration districts" shall have the same meaning as defined in the United States Department of Commerce, Bureau of the Census, Census of Population and Housing Users' Guide, Part B. Glossary.

"Larger geography" means the area to which the Enterprise Zone is being related or compared in order to complete calculations required to establish zone eligibility under either the unemployment or low-income criteria.

In the case of an Enterprise Zone application from a single unit of government:

If the zone includes less than all of a city, the larger geography is the city;
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

If the zone includes all of the city, the larger geography is the county; and,

If the zone includes only some portion of the unincorporated area of one county, the larger geography is the county.

In the case of a joint application from more than one unit of government:

If the zone is located in one county and includes all or part of two or more cities, or one or more cities plus the county, the larger geography is the county; and

If the zone is located in two or more counties and includes all or part of two or more cities, or cities and counties in any combination, the larger geography is the aggregate of the counties.

"Minor civil division" shall have the same meaning as defined in the United States Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing Users' Guide, Part B. Glossary.

"Poverty" shall have the same meaning as defined in the United States Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing Users' Guide, Part B. Glossary.

"Unemployment" shall have the same meaning as defined in the United States Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing Users' Guide, Part B. Glossary.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART B: ENTERPRIZE ZONE: APPLICATION FOR AND CERTIFICATION

Section 520.200 Eligible Applicants

A municipality or county within the State of Illinois may apply to the Department of Commerce and Community Affairs for certification of an Enterprise Zone, in accordance with the requirements set forth in Section 5 of the Act and this Part.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)
A municipality or county may qualify an area for designation as an Enterprise Zone, subject to certification by the Department, in accordance with the criteria set forth in Section 4 of the Act and the following:

a) **Contiguous Area.** The area is contiguous, which means the area has a solid continuous boundary. Boundaries shall be clearly defined and follow natural or man-made entities such as rivers, highways, and boundaries of units of government. The zone area may exclude wholly surrounded territory within its boundaries.

b) **Calculating Total Area.** For purposes of calculating total area, the minimum is one-half square mile and the maximum is 12 square miles, or 15 square miles if the zone is located within the jurisdiction of four or more counties or municipalities, excluding lakes or waterways. Where the Enterprise Zone is a joint effort of three or more units of government, or two or more units of government, if located in a township divided by a municipality of 1,000,000 or more inhabitants, and where the certification has been in effect at least one year, the minimum is one-half square mile and the maximum is 13 square miles, excluding lakes and waterways. Boundaries that are connecting strips shall be not less than three, nor more than 10 feet wide. Waterways shall not be used as connecting strips. Areas within connecting strips must be considered when determining if the proposed Enterprise Zone meets one of the eligibility tests set forth in subsection (f).

c) **Depressed Area.** The area must be depressed. (See subsection (f).) Although the Department does not require the applicant to use census geography boundaries as the boundaries for the enterprise zone, census geography must be used to demonstrate how the area meets one of the eligibility criteria. The census geographies to be used shall be the smallest geographies for which data are available and which encompass the entire proposed enterprise zone. When an enterprise zone boundary splits a census tract, county civil division or minor civil division, then the data for block groups or enumeration districts entirely within the enterprise zone and those which include any part of the enterprise zone shall be included in the calculation.

d) **Coverage of Area.** The areas must:

1) be entirely within a municipality; or
2) be entirely within the unincorporated areas of a county, except where reasonable need is established for such zone to cover parts of more than one municipality or county; or
3) comprise all or part of a municipality and an unincorporated area of a
NOTICE OF ADOPTED AMENDMENTS

The area must meet at least one of the following tests:

1) Unemployment. The unemployment criterion is met if the proposed enterprise zone has an annual average unemployment rate at least 120 percent of the State's annual average unemployment rate for the most recent twelve month period for which data are available as reported by the Department of Employment Security.

2) Poverty. The poverty criterion is met if the poverty rate for each census tract, minor civil division or county civil division which contains any part of the area proposed as an enterprise zone was at least 20 percent as of the 1980 federal census. Poverty is computed using the number of persons in families or who reside together as unrelated individuals who had incomes below the poverty threshold in the 1980 federal census.

3) Low Income. The low income criterion is met if at least 70 percent of the households in the proposed enterprise zone have incomes equal to or less than 80 percent of the median household income of the larger geography in which the enterprise zone is located. If a census geography has a median household income 125 percent or more of the median household income of the larger geography, it shall not be used in calculating enterprise zone eligibility and shall not be included in the proposed enterprise zone.

4) Population Loss. The population loss criterion is met if the proposed enterprise zone suffered a population decrease of 20 percent or more between 1970 and 1980 as determined by federal census data.

5) Job Creation. The Department may designate an area as an enterprise zone when such designation will result in the development of substantial employment opportunities by creating or retaining a minimum of 1,000 full time equivalent jobs due to investment of $100 million or more and help alleviate the effects of poverty and unemployment within the zone or in the vicinity of the zone.

e) Census Geography. Although the Department does not require the applicant to use census geography boundaries as the boundaries for the Enterprise Zone, census geography must be used to demonstrate how the area meets one of the eligibility criterion. The census geographies to be used shall be the smallest geographies for which data are available and which encompass the entire proposed Enterprise Zone. When an Enterprise Zone boundary splits a census tract, county civil division, or minor civil division, then the data for block groups or enumeration districts entirely within the Enterprise Zone and those that include any part of the Enterprise Zone shall be included in the calculation.

f) Required Tests. The area must meet at least one of the following tests:
NOTICE OF ADOPTED AMENDMENTS

1) Unemployment. The unemployment criterion is met if the proposed Enterprise Zone has an annual average unemployment rate of at least 120% of the State's annual average unemployment rate for the most recent 12-month period for which data are available as reported by the Department of Employment Security. Anyone who is not presently employed and has exhausted all unemployment benefits shall be considered unemployed, whether or not they are actively seeking employment.

2) Poverty. The poverty criterion is met if the poverty rate for each census tract, minor civil division or county civil division that contains any part of the area proposed as an Enterprise Zone was at least 20% as of the 2000 Federal Census. Poverty is computed using the number of persons in families or who reside together as unrelated individuals who had incomes below the poverty threshold in the 2000 Federal Census.

3) Low-Income. The low income criterion is met if at least 70% of the households in the proposed Enterprise Zone have incomes equal to or less than 80% of the median household income of the larger geography in which the Enterprise Zone is located. If a census geography has a median household income of 125% or more of the median household income of the larger geography, it shall not be used in calculating Enterprise Zone eligibility and shall not be included in the proposed Enterprise Zone.

4) Population Loss. The population loss criterion is met if the proposed Enterprise Zone suffered a population decrease of 20% or more between 1980 and 2000, as determined by Federal Census data for those years.

5) Job Creation. The Department may designate an area as an Enterprise Zone when such designation will result in the development of substantial employment opportunities by creating or retaining a minimum of 1,000 full-time equivalent jobs due to an investment of $100 million or more, and help alleviate the effects of poverty and unemployment within the zone or in the vicinity of the zone. New units of government being added to an existing Enterprise Zone must qualify under the same qualification criteria as the existing Enterprise Zone.

6) Closed Military Bases. A military base closed by the United States Government Department of Defense that has been properly designated as and is currently operating as a Local Redevelopment Agency.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.220  Form of Application
An application shall be submitted on the standard application form provided by the Department. An application shall include:

a) **Eligibility Criteria.** Information establishing that the necessary at least one of the eligibility criteria as specified in Section 520.210 has been met;

b) **Characteristics of the Zone.** Information on the following physical, economic, and social characteristics of the zone:

1) **Master Plan.** A master plan or economic development plan for the area;

2) **Current Land Use Patterns.** A description of current land use patterns of the Enterprise Zone which includes an estimate of the proportion of land used for different purposes; and a coded map indicating current land use patterns of the proposed zone according to classifications (i.e., privately-held land, which includes business/commercial, industrial, institutional/special purpose, residential, and agricultural/undeveloped, or publicly-held land, which includes State/federal land, local public land in use, and undeveloped/underutilized local public land) or variation thereof;

3) **Map of the Zone.** A map of the Enterprise Zone locating and naming major employers, industrial parks, and vacant facilities, and showing existing streets and highways;

4) **Employers in the Zone.** A listing of the local commercial and industrial employers in the proposed Enterprise Zone, which consists of the five major employers in the proposed enterprise zone, the type of products or services they provide, and their number of employees;

5) **Industrial Parks in the Zone.** A listing of the industrial parks in the proposed Enterprise Zone that have infrastructure in place, which includes description of infrastructure, estimated total square footage of buildings and percentage occupied, and a listing of areas of undeveloped land targeted for industrial park development, which includes the location of undeveloped land, number of acres, and zoning classification;

6) **Vacant Buildings in the Zone.** A listing of the largest vacant or underutilized buildings by address and type of industry use, possible or suitable use (warehousing, light manufacturing, etc.), approximate square footage and percent occupied, and current or previous occupant;

7) **Federal Census Data.** A compilation of data on the proposed Enterprise Zone and the "larger geography" based on 2000 Federal Census information and the data collection techniques used in calculating the distress criteria, which includes total population, median
family income, median household income, total number of occupied
housing units, number of occupied housing units renter-occupied,
total number of vacant housing units, total number of persons in
poverty, number of persons in civilian labor force, male civilian labor
force population, employed male civilian labor force population,
female civilian labor force population, and employed female civilian labor force
population;
8) Social and Economic Trends. A description of the local social and
economic conditions and trends that impact economic development, such as:
A) **Areas of Zone Growth.** The areas or sectors of recent local and
zone area growth which include but are not limited to types of
commercial activity or new industries;
B) **Areas of Zone Decline.** The areas or sectors of recent local and
zone area decline (i.e., the most significant layoffs, plant closings,
and estimated jobs lost over the last 3 years, and the expectations
for recovery or for stability);
C) **Reliance on Industries.** The types of industries that the area may be
heavily dependent on and that are currently in periods of
significant change or that are highly subject to regional or national
business cycles;
D) **Available Resources.** The resources available to stimulate
economic development (i.e., people or expertise, money, facilities,
market assets, training and education programs, technical
assistance related to financial packaging, marketing, etc., for
entrepreneurs, small business, and women and minority-owned
businesses); and
E) **Characteristics of the Community.** The characteristics of the
community, which include, but are not limited to, local
government fiscal stability, local policy choices, bonding
authority, and locational factors;
9) **Local Revitalization Efforts.** A description of local revitalization efforts,
which include public or private economic-development related activities
and commitments that have occurred within the past two years in the
proposed Enterprise Zone;
c) **Economic Assets and Liabilities of the Zone.** A statement and information
concerning the economic assets and liabilities of the zone;
d) **Economic Development Goals of the Zone.** A statement concerning the
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

economic development goals and objectives of the zone, including: specific three-year development goals and objectives of the zone, and a zone implementation plan describing the specific tasks, activities, and commitments that must be accomplished to achieve each three-year objective;

e) **Local Incentives and Programs.** Information concerning each local incentive, program, special activity, or commitment to be provided in support of the zone, including: a description of each, how it will be implemented, who will provide it, the estimated impact on the revenue of the local government, any special qualifications or conditions imposed on its applicability, and the period of availability and the effective date provided. However, each incentive, program, special activity, or commitment to be provided may not be offered on a case-by-case basis, and must assure that all taxpayers or participants eligible under similar circumstances are treated in a similar manner;

f) **Statement of Community Support.** A statement describing the input, assistance, prior consultation, and community support for the zone from individuals, businesses, labor organizations, neighborhood organizations, and others;

g) **Role of the DZO.** A statement describing the role of the DZO, including the functions, programs and services to be performed by the DZO;

h) **Municipality or County Incentives.** A statement detailing any tax, grant, and other financial incentives or benefits, and any programs, to be provided by the municipality or county to business enterprises within the zone, other than those provided in the designating ordinance, which are not provided throughout the municipality or county; a statement describing the management structure of the zone;

i) **Economic Impact of the Zone.** An estimate of the economic impact of the zone, considering all of the tax incentives, financial benefits and programs contemplated, upon the revenues of the municipality or county; a transcript of the public hearing;

j) **Management Structure of the Zone.** A statement describing the management structure of the zone; a copy of the public notice; and

k) **Transcript of Public Hearings.** A transcript of all public hearings; a certified copy of the local government designating ordinance.

l) **Copy of Public Notice.** A copy of the public notice;

m) **Designating Ordinance.** A certified copy of the local government designating ordinance; and

n) **Joint Applicant Information.** In the case of a joint application, a statement detailing the need for a zone covering portions of more than one municipality or county, and a description of the agreement between joint applicants.
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.230 Application Procedures

a) Preapplication Review. In order to assure that the final application that is submitted is in complete and in proper form, each applicant is encouraged to submit a draft application (preapplication) for review by the Department. To qualify for a preapplication review, preapplication information shall be submitted using the standard application form provided by the Department, and must be received by the Department on or before November 1 of each year. An applicant may, prior to submission of the final application, change any element of the draft application.

b) Application Deadline. Applications shall be submitted to the Department by December 31 for designation prior to July 1 of the following year.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.240 Joint Application

a) Joint Application. Under a joint application, two or more local governments are the applicants and share responsibility for operation of the Enterprise Zone. Other units of government may participate by offering or supplementing tax incentives and other benefits available in the Enterprise Zone. Submission of a joint application is required in those instances where the proposed Enterprise Zone covers portions of more than one county or municipality. The applicants shall provide a statement explaining the need for the proposed Enterprise Zone to cover portions of more than one city or county.

b) Enabling Ordinance for Joint Applicants. A joint application must be supported by enabling ordinances passed by participating units of local government in accordance with Section 5(a) and (b) of the Act.

c) Intergovernmental Agreement for Joint Applicants. An intergovernmental agreement signed and approved by all joint applicants shall be executed and submitted as a part of the joint application package. The intergovernmental agreement shall include:

1) Duration. The duration of the Enterprise Zone;
2) Description. A description of the Enterprise Zone;
3) Incentives. The provisions for the tax incentives, programs, and other benefits to be offered;
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

4) Zone Administrator. A provision for the position of Zone Administrator, zone administrator and a description of the responsibilities of the position and the selection process;

5) Management Structure. A management structure for the operation of the Enterprise Zone enterprise zone; and

6) Designated Zone Organizations (DZO). The methods of selecting Designated Zone Organizations designated zone organizations and coordinating their activities with each designating unit of government.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.250 Application Evaluation and Ranking

a) Ranking Applications. Consistent with Section 5.2(f) of the Act regarding which applications shall be approved and certified as Enterprise Zones enterprise zones, the Department shall rank the applications according to a scale ranging from insignificant to maximum value. The applications will be ranked according to the following ratings:

1) Maximum. A maximum rating will be given if the application meets all requirements of Section 520.220;

2) Moderate. A moderate rating will be given if the application does not fully meet all of the requirements of Section 520.220, but does fully meet all of the requirements of Section 520.220(a) and (k) must be fully met;

3) Minimum. A minimum rating will be given if the application minimally addresses all of the criteria or does not fully address criteria specified in Section 520.220(a) and (k); and

4) Insignificant. An insignificant rating will be given if an applicant meets none of the criteria of Section 520.220.

b) Maximum Rating – No Guarantee. Maximum ratings do not insure that the applicant application will be selected for designation. The Department will conduct intensive evaluations, leading to zone designation decisions. Department staff will conduct site visits and analyze application characteristics. Site visits will address:

1) Comparative Assessment. A comparative assessment of applications, particularly concerning plans to achieve economic growth and expansion and neighborhood revitalization for zone residents, existing businesses and new businesses;

2) Verification of Information. A verification of application information; and
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

3) Implementing the Applications. A determination of the ability of responsible local officials to implement the application as determined through an interview.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART C: ENTERPRISE ZONE: AMENDMENT AND DECERTIFICATION

Section 520.300 Application to Amend an Ordinance Overview

a) Amending an Ordinance General. An application for amending an approved ordinance that creates an Enterprise Zone enterprise zone shall follow the conditions set forth in Section 5.4 of the Act. An amendment to such an ordinance is not effective unless and until the Department approves the application and the amending ordinance, and files the amended certificate and the designating ordinance with the Secretary of State and local recorder of deeds as provided in Section 5.3 of the Act.

b) Standardized Application. The Department shall furnish upon request a standardized application form to a municipality or county that seeks to amend a certified designating ordinance.

c) Joint Submissions. Where there are two or more designating units of government, an application for amending the terms of an approved Enterprise Zone enterprise zone ordinance shall be a joint submission, certified by the chief elected official or a representative of each designating municipality or county.

d) Including Part of Another Municipality or County. An application for amending an approved ordinance to include a territory of another municipality or county shall be a joint submission, certified by the chief elected official or a representative of each designating municipality or county, and shall also contain, in addition to all other information required under Section 5.1 of the Act and Section 520.220 of this Part, an agreement between the units of government containing, at a minimum, a statement that the parties have agreed that the municipality or county whose ordinance was previously certified by the Department shall have jurisdiction for the administration of the area comprising the zone as set forth in Section 8 of the Act. The application shall also demonstrate that the proposed additional territory meets the eligibility criteria set forth in Section 520.210(d) of this Part, these rules and Section 4 of the Act. Applications shall be submitted to the Department, which shall approve or deny the application in writing within ninety (90) days after receipt. The application will be approved if it meets the requirements of this subsection and Section 5.4 of
NOTICE OF ADOPTED AMENDMENTS

the Act.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.310 Application to Change Boundaries Boundary Changes

a) Eligibility Criteria for Proposed Additions. The boundaries of an approved Enterprise Zone may be amended to add areas on forms provided by the Department. An area is eligible if it meets the qualifications described in Section 4 of the Act, and the application to amend the Enterprise Zone ordinance provides analyses and documentation that;

1) **Required Tests.** The area meets at least one of the tests for unemployment, poverty, low income, or population loss as described in Section 520.210(f); or

2) **Immediate Benefit.** The proposed addition provides an immediate benefit to the established Enterprise Zone and its residents within two years or less by:
   A) Full-Time Jobs. Creating or retaining permanent full-time jobs; or
   B) Removing Impediments. Removing or correcting an impediment to economic development that exists in the established Enterprise Zone; or,
   C) Stimulating Revitalization. Stimulating neighborhood revitalization.

b) Eligibility Criteria for Proposed Deletions. The boundaries of an approved Enterprise Zone may be amended, on forms provided by the Department, to delete areas. An area is eligible if it meets the qualifications described in Section 4 of the Act, and the application to amend the Enterprise Zone ordinance provides analyses and documentation that:

1) **Required Assurance.** The area does not meet any one of the tests for unemployment, poverty, low income, or population loss as described in Section 520.210(f); or

2) **Accomplishment of Local Objectives.** The area is an area in which the local objectives for economic development or neighborhood revitalization of the Enterprise Zone have been accomplished.

e) Proposed Enterprise Zone Deletions.
An application to amend an enterprise zone ordinance to delete a portion of an approved enterprise zone shall provide analyses and documentation that the area proposed for deletion:

A) does not qualify as depressed under any one of the tests of low income, poverty, unemployment and population loss described in Section 520.210(e); or,

B) is an area in which the local objectives for economic development or neighborhood revitalization of the enterprise zone have been accomplished.

2) The applicant shall apply to the Department for enterprise zone deletions on forms provided by the Department.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.315 Application to Change Incentives, Alter Termination Date, and Make Technical Corrections

a) Application to Expand, Limit, or Repeal Incentives

1) Changing Incentives. An applicant shall apply to the Department to expand, limit, or repeal the incentives provided in the ordinance on forms provided by the Department, and shall comply with the procedures described in Section 5.4 of the Act.

2) Continuation of Incentives. Sections 5.4(e) and (f) of the Act provide that all incentives and benefits previously offered shall continue for the original term of the zone for three groups:

A) Receiving Benefits. Business enterprises that are receiving benefits or incentives in the zone on the effective date of the amending ordinance;

B) Proposed Expansions. Business enterprises or expansions that are proposed or under development on the effective date of the amending ordinance, if the business enterprise demonstrates that:

i) The proposed business enterprise or expansion has been committed to locating or expanding in the zone; and

ii) Substantial and binding financial obligations have been made in reasonable reliance on the benefits and programs that would have been available because of the Enterprise Zone;

iii) such commitments have been made in reasonable reliance
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

on the benefits and programs that would have been available because of the enterprise zone;

C) Individuals in Homestead/Shopstead. Individuals participating in urban homestead or shopstead programs.

3) Local Government Duties. With respect to businesses that are already receiving Enterprise Zone benefits, the local government has the responsibility to attempt to inform eligible businesses through public notice or mailings, and to take administrative steps necessary to assure compliance.

4) Evidence of Financial Commitment. Evidence of commitment under subsection (a)(2)(B)(ii) shall include, but is not limited to: internal memoranda; purchase orders; construction plans and schematics; evidence of financial commitment from financial institutions and/or State, local, or federal governments; and written contracts. Proposed business locations or expansions shall also demonstrate reliance on Enterprise Zone benefits by applying for the incentives, provided that all other requirements are met.

5) Local Government Duties. With respect to homestead and shopstead programs, the local government shall inform affected parties and meet its obligations concerning transfer of title to the property and any other provisions that relate to the rights and privileges of the affected parties.

b) Application to Alter Termination Date

1) Altering Termination Date. An applicant shall apply to the Department to alter the termination date provided in the ordinance on forms provided by the Department, and shall comply with the procedures described in Section 5.4 of the Act.

2) Reducing Duration of Zone. If the amendatory ordinance reduces the duration of the Enterprise Zone, the "benefit entitlement" provisions of Section 5.4(e) and (f), of the Act and described in subsections (a)(2)(A), (B) and (C) shall apply.

c) Application to Make Technical Corrections

1) Making Technical Corrections. An applicant shall apply to the Department to make a for an amendment for a technical correction in the ordinance on forms provided by the Department, and shall comply with the procedures described in Section 5.4 of the Act.

2) Definition of Technical Correction. A "technical correction" shall mean a non-substantive change that corrects or clarifies the wording, terms, or conditions of an Enterprise Zone ordinance or intergovernmental agreement. A technical correction is not one that
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

affects any rights and privileges accorded to residents of the zone.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.320 Decertification

a) **Decertification – Two Methods**

   In accordance with Section 5.4(d) of the Act, an Enterprise Zone may shall be decertified in two ways: for cause by the Department. Just cause for decertification shall be defined as the designating unit of government's failure to implement the enterprise zone program, which can be evidenced by: lack of an economic development strategy (no clearly defined objectives or course of action for improving zone performance); failure to implement a business retention and expansion plan (little or no contact with zone businesses or zone benefits not explained or publicized to businesses); failure to comply with program monitoring as set forth in Section 520.500 of these rules; and failure to implement incentives uniformly throughout the enterprise zone as described in Section 520.220(e).

   1) **Joint Action.** By joint action of the Department and the designating county or municipality in accordance with Section 5.4(c) of the Act; or

   2) **For Cause.** For cause by the Department in accordance with Section 5.4(d) of the Act. Cause for decertification shall be defined as the designating unit of government's failure to implement the Enterprise Zone program, which can be evidenced by: the lack of an economic development strategy (no clearly defined objectives or course of action for improving zone performance); the failure to implement a business retention and expansion plan (little or no contact with zone businesses, or zone benefits not explained or publicized to businesses); the failure to comply with program monitoring as set forth in Section 520.410 of this Part; and the failure to implement incentives uniformly throughout the Enterprise Zone as described in Section 520.220(e).

b) **Notice of Probation.** The Department shall notify each designating unit of government of the commencement of the probationary status pending action to decertify the Enterprise Zone. Notice shall include: the date the probationary term begins; the duration of the probationary term; the deficiencies involved; and, the date and location of the public hearing. The probationary status shall commence on the date the notice is postmarked.

   1) **Work Plan.** Within 30 days after the date of the Department notice, the designating unit of government shall submit a work plan that explains corrective actions to be taken and any evidence refuting the
NOTICE OF ADOPTED AMENDMENTS

2) Public Hearing. Upon expiration of the 30-day response period, the Department shall conduct a public hearing within the boundaries of the Enterprise Zone in order to receive evidence and testimony regarding decertification. Written and oral testimony, including supporting documentation, will be accepted from any affected party, regardless of whether they reside within the Enterprise Zone boundaries. The Department shall place public notice of the public hearing in one newspaper of general circulation within the Enterprise Zone, not more than 20 days nor less than 5 days before the public hearing. A tape recording of the public hearing shall be made. Interested persons may access the tape recordings of public hearings in accordance with procedures provided in the Department's Freedom of Information rules, 'Access to Information of the Department of Commerce and Community Affairs' (2 Ill. Adm. Code 801).

3) Corrective Steps. The Department shall be available to arrive at an agreement with the designating unit of government regarding the specific corrective steps to be taken. Within 15 days after the date of the public hearing, the Department shall issue a letter to the designating unit of government stating the final terms of the plan for corrective action.

4) Progress Reports. The designating unit of government shall submit written monthly progress reports and shall make personnel available for meetings and interviews to ensure compliance with the plan of corrective action.

5) Notice of Decertification. The Twenty-one (21) days prior to the end of the probationary period, the Department shall notify the designating unit of government, 21 days prior to the end of the probationary period, as to whether or not decertification will proceed.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART D: ENTERPRISE ZONE: LOCAL RESPONSIBILITIES DESIGNATED ZONE ORGANIZATIONS

Section 520.400 Zone Administration General

The administration of an Enterprise Zone shall be under the jurisdiction of the designating municipality or county. Each designating municipality or county shall, by ordinance, designate a Zone Administrator for the certified zones within its jurisdiction. A Zone Administrator must
be an officer or employee of the municipality or county. The Zone Administrator shall be the liaison between the designating municipality or county, the Department, and any Designated Zone Organizations within zones under his or her jurisdiction. The Department shall furnish a standard application to an entity or association seeking certification as a DZO. No organization shall be considered a DZO unless and until the Department verifies eligibility in accordance with Section 3(d) of the Act and the organization is authorized by local ordinance to function as a DZO.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.410 Reporting and Monitoring by Zone Administrators Project Eligibility and Approval

a) Reporting. Zone administrators shall collect and report to the Department information required to meet the reporting requirement set forth in Section 6(A)(1) of the Act. The data shall be summarized on forms provided by the Department. The Department shall provide a standard application to any DZO seeking to qualify a project for contributions eligible for tax deductions in accordance with Section 11 of the Act. Such applications must be processed in accordance with Section 11(e) of the Act.

b) Monitoring. The Zone Administrator shall monitor the accomplishment of local Enterprise Zone objectives. Applications shall be approved for a period of one project fiscal year. Continuation of project approval and eligibility for contributions in future years shall require a new application and current documentation including:
   1) project balance sheet showing assets and liabilities, in accordance with accounting standards of the Financial Standards Board of the American Institute of Certified Public Accountants (June 1984);
   2) project budget;
   3) project information regarding the extent to which objectives have been accomplished.

e) All renewal applications shall be submitted at least ninety days prior to the start of the budget fiscal year or program year for which approval is requested.
   1) Within 15 days of receipt of the application, the Department shall notify the DZO (in writing) regarding project renewal. In the event the renewal application is determined deficient (see subsection (b), (d), and (e)), the Department will notify the DZO of the deficiencies.
   2) The DZO shall have 15 days from the date of the notice of deficiency to submit corrected or additional information.
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

3) Within 5 days from the start of the budget fiscal year for which project renewal is requested, the Department shall notify the DZO that the application is accepted and the project renewed or that the application is deficient and the renewal is denied.

d) In no case shall a project be approved by the Department that does not have the written endorsement of the designating unit(s) of government.

e) Project Proposal. A proposed project shall enhance the enterprise zone in accordance with Section 11(c) of the Act. In describing how the proposed project will enhance the enterprise zone, the DZO shall address the following:

1) Assessment of Need. The applicant shall identify the specific need, problem or objective that will be addressed by the proposed project.

2) Project Objectives. Accomplishment of the stated objective(s) of the project must offer relief from the identified problem(s) or meet the identified need.

3) In accordance with Section 11(b) of the Act, a DZO must demonstrate that the proposed project meets all of the following criteria:

A) The project must contribute to the self help efforts of zone residents. Self help means the project can reasonably be expected to improve the ability of participating residents to live and/or work in the enterprise zone.

B) The DZO must demonstrate that zone residents will actively participate in the project design and program implementation.

C) The DZO must be fiscally responsible for the project.

3) The project lacks sufficient resources in order to operate the program.

f) Project modifications, either programmatic or budgetary, require the prior approval of the Department.

g) DZO Project Administrative Responsibility. The DZO shall furnish the Department an annual status report on each project. The report must be submitted no later than 30 calendar days following the anniversary and shall consist of the following information:

1) A financial statement, in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (1984); and

2) A statement describing the project's success in achieving the objectives outlined in the approved application.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.420 Business Cessation Notification Charitable Contributions
a) Notification of Business Cessation. Section 11.1 of the Act requires a business located within an Enterprise Zone that has received tax credits or exemptions, regulatory relief, or any other benefits under the Act to notify the Department and the officials of the county and municipality in which the business is located, within 60 days after the cessation, of the cessation of business operations. For purposes of this regulation, business cessation shall mean: The Department is authorized under Section 11(d) of the Act to specify the amount of contributions a DZO is eligible to receive for a project. The Department will deny amounts requested if:

1) Business Closed. The business has closed and is not conducting business in any capacity within the boundaries of the Enterprise Zone; the amount requested or the items sought are excessive or inappropriate to project goals and objectives; or,

2) Business Relocated. The business has relocated its operations in whole to another area outside the boundaries of the Enterprise Zone; or approval of the project would, in total with all other project amounts approved in any calendar year, exceed the contribution limitation set or established in Section 11(g) of the Act.

3) Business Acquired. The acquisition or assumption of the existing business (which has been certified to receive either the Enterprise Zone Utility Tax Exemption or the Enterprise Zone Expanded Manufacturing Machinery and Equipment/Pollution Control Facilities Sales Tax Exemption) and/or assets by another entity.

b) Notice for Closed or Relocated Businesses. In the case of business cessation under the categories specified under subsections (a)(1) and (a)(2), notification shall consist of a letter from the person in charge at the affected facility identifying:

1) Date of Cessation. The date of business cessation; and

2) Number of Employees. The number of employees at the time of business cessation.

c) Notice for Acquired Businesses. In the case of a business cessation under the category specified in subsection (a)(3), notification shall consist of a letter from the person in charge at the affected facility identifying: In order to determine and certify the amount of contribution, a taxpayer may file a claim for a tax deduction.
1) **Date of Purchase.** The date of purchase; The taxpayer shall submit to the Department a request for contribution approval which shall include:
   A) name of the taxpayer, the taxpayer’s address and the Federal Employer’s Income Tax Number;
   B) name of the enterprise zone, the DZO and the project;
   C) the amount of cash or the value of the in-kind contribution as determined in accordance with Section 170(c) of the Internal Revenue Code; and;
   D) in the case of an in-kind contribution, the DZO must maintain documentation sufficient to support the claim, such as appraisals of fair market value.

2) **Name of New Business.** The name of the new business; and The DZO shall issue a receipt to the taxpayer when a contribution is made. The receipt shall include:
   A) The exact name of the taxpayer, the address and the Federal Employer’s Income Tax number;
   B) The date the contribution was made;
   C) The name of the DZO and of the project to which the contribution has been made; and,
   D) The amount and a description of the contribution made to the project.

3) **Exemption the Acquired Business Received.** The type of exemption that the acquired or assumed business was receiving (either the Enterprise Zone Utility Tax Exemption or the Enterprise Zone Expanded Manufacturing Machinery and Equipment/Pollution Control Facilities Sales Tax Exemption). The DZO shall forward a copy of such receipt to the Department and verification of the contribution value as determined under Section 170(c) of the Internal Revenue Code and the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (June, 1984).

4) **People to Notify.** Notification of the business cessation shall be submitted to:
   1) DCCA. Office Chief, Office of Economic Development Programs, Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, Illinois 62701;
   2) Enterprise Zone. The chief elected official of the Enterprise Zone community in which the business was located; and
   3) Joint Enterprise Zone. In the case of a joint zone, the chief elected official of the municipality and the County Board Chairperson of the participating county.
SUBPART E: ENTERPRISE ZONE: DESIGNATED ZONE ORGANIZATIONS LOCAL RESPONSIBILITIES

Section 520.500 General Reporting and Monitoring
A designating municipality or county may designate one or more Designated Zone Organizations qualified under Section 3(d) of the Act to perform within the area or zone for the benefit of the residents and businesses in the zone. The Department shall furnish a standard application to an entity or association seeking certification as a Designated Zone Organization (DZO). No organization shall be considered a DZO unless and until the Department verifies eligibility in accordance with Section 3(d) of the Act, and the organization is authorized by local ordinance to function as a DZO. Once certified, the DZO may provide services or perform functions in coordination with the municipality or county that is listed in Section 8 of the Act.

a) Zone administrators shall collect and report to the Department information required to meet the reporting requirement set forth in Section 6(A)(1) of the Act. Such data shall be summarized on forms provided by the Department.

b) The zone administrator shall monitor the accomplishment of local enterprise zone objectives.

Section 520.510 Project Eligibility and Approval Administration

A business entity may receive a deduction against income subject to State taxes for a contribution to a DZO if the project for which the contribution is made has been specifically approved by the designating municipality or county, and by the Department. Any DZO seeking to have a project approved for contribution must submit an application to the Department describing the nature and benefit of the project and its potential contributors. One zone administrator shall be designated for each enterprise zone in the manner set forth in Section 8 of the Act.

a) Standard Applications. The Department shall provide a standard application to any DZO seeking to qualify a project for contributions eligible for tax deductions in accordance with Section 11 of the Act. Such applications shall be processed in accordance with Section 11(e) of the Act.

b) Project Approval Period. Applications shall be approved for a period of one project fiscal year. Continuation of project approval and eligibility for contributions in future years shall require a new application and current
documentation including:

1) Project Balance Sheet. A project balance sheet showing assets and liabilities, in accordance with the most recent accounting standards of the Financial Standards Board of the American Institute of Certified Public Accountants as contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2001, no later editions are incorporated);

2) Project Budget. A project budget; and

3) Accomplishment of Project Objectives. Project information regarding the extent to which objectives have been accomplished.

e) Renewal Applications. All renewal applications shall be submitted at least 90 days prior to the start of the budget fiscal year or program year for which approval is requested.

1) Notice of Project Renewal. Within 15 days after receipt of the application, the Department shall notify the DZO in writing regarding project renewal. In the event the renewal application is determined deficient, the Department will notify the DZO of the deficiencies.

2) Notice of Deficiency. The DZO shall have 15 days from the date of the notice of deficiency to submit corrected or additional information.

3) Notice of Acceptance or Denial. Within 5 days from the start of the budget fiscal year for which the project renewal is requested, the Department shall notify the DZO that the application is accepted and that the project shall be renewed, or that the application is deficient and the renewal is denied.

d) Written Endorsement Requirement. In no case shall a project be approved by the Department that does not have the written endorsement of the designating units of government.

e) Project Proposal. A proposed project shall enhance the Enterprise Zone in accordance with Section 11(c) of the Act. In describing how the proposed project will enhance the Enterprise Zone, the DZO shall address the following:

1) Assessment of Need. The applicant shall identify the specific need, problem or objective that will be addressed by the proposed project.

2) Project Objectives. The applicant shall identify how the project will offer relief from the identified problems or meet the identified need.

3) Project Criteria. In accordance with Section 11(b) of the Act, a DZO must demonstrate that the proposed project meets all of the following criteria:

A) Self-Help. That the project will contribute to the self-help efforts of zone residents. (Self-help means the project can reasonably be
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

expected to improve the ability of participating residents to live
and/or work in the Enterprise Zone;)

B) Participation by Zone Residents. That the zone residents will
actively participate in the project's planning and implementation;

C) Lack of Sufficient Resources. That the project lacks sufficient
resources; and

D) DZO is Fiscally Responsible. That the DZO will be fiscally
responsible for the project.

f) Project Modifications. Project modifications, either programmatic or budgetary,
require the prior approval of the Department.

g) DZO Project Administrative Responsibility. The DZO shall furnish the
Department an annual status report on each project. The report must be submitted
no later than 30 calendar days following the anniversary, and shall consist of the
following information:

1) Financial Statement. A financial statement, in accordance with the most
recent generally accepted accounting principles of the American Institute
of Certified Public Accountants; and

2) Achieving Objectives. A statement describing the project's success in
achieving the objectives outlined in the approved application.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.520 Charitable Contributions Business Cessation Notification

a) Amount of Contributions. The Department is authorized under Section 11(d) of
the Act to specify the amount of contributions a DZO is eligible to receive for a
project. The Department will deny amounts requested if:

1) Excessive/Inappropriate Items. The amount requested or the items sought
are excessive or inappropriate to the project goals and objectives; or
the business has closed and is not conducting business in any capacity within
the boundaries of the enterprise zone;

2) Exceeding Contribution Limit. Approval of the project would, in total,
with all other project amounts approved in any calendar year, exceed the
contribution limitation set or established in Section 11(g) of the Act, the
business has relocated its operations in whole to another area outside the
boundaries of the enterprise zone; or
3) the acquisition or assumption of the existing business (which has been
certified to receive either the Enterprise Zone Utility Tax Exemption or
the Enterprise Zone Expanded Manufacturing Machinery and
Equipment/Pollution Control Facilities Sales Tax Exemption) and/or
assets by another entity.

b) Eligibility of a Contribution for a Tax Deduction. The DZO shall provide to the
Department information necessary to determine the eligibility of a contribution
for a tax deduction in accordance with Section 203(b)(2)(N) of the Illinois Income
Tax Act [35 ILCS 5/203(b)(2)(N)] and Section 170(c) of the Internal Revenue
Code (26 USC 170(c)). In the case of business cessation under the categories
specified under subsections (a)(1) and (a)(2), notification shall consist of a letter
from the person in charge at the affected facility identifying:
1) the date of business cessation; and
2) the number of employees at the time of business cessation.

c) Claim for Tax Deduction. In order to determine and certify the amount of
contribution, a taxpayer may file a claim for a tax deduction. In the case of a
business cessation under the category specified in subsection (a)(3), notification
shall consist of a letter from the person in charge at the affected facility
identifying:

1) Request for Contribution Approval. The taxpayer shall submit to the
Department a request for contribution approval that shall include:
A) Taxpayer Information. The name of the taxpayer, the taxpayer's
address, and the Federal Employer Identification Number (FEIN);
B) Name of Zone, DZO, and Project. The name of the Enterprise
Zone, the DZO, and the project;
C) Amount of Contribution. The amount of cash or the value of the
in-kind contribution as determined in accordance with Section
170(c) of the Internal Revenue Code; and
D) In-Kind Contribution. In the case of an in-kind contribution, the
DZO must maintain documentation sufficient to support the claim,
such as appraisals of fair market value, the date of purchase;

2) Receipt to Taxpayer. The DZO shall issue a receipt to the taxpayer when
a contribution is made. The receipt shall include:
A) Taxpayer Information. The exact name of the taxpayer, the
address, and the Federal Employer Identification Number (FEIN);
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

B) Date of Contribution. The date the contribution was made;

C) Name of DZO and Project. The name of the DZO and of the project to which the contribution has been made; and

D) Amount of Contribution. The amount and a description of the contribution made to the project, the name of the new business; and

3) Verification of Contribution Value. The DZO shall forward a copy of such receipt to the Department and verification of the contribution value as determined under Section 170(c) of the Internal Revenue Code and the most recent Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA), the type of exemption that the acquired or assumed business was receiving (either the Enterprise Zone Utility Tax Exemption or the Enterprise Zone Expanded Manufacturing Machinery and Equipment/Pollution Control Facilities Sales Tax Exemption).

d) Notification of the business cessation shall be submitted to:

1) Office Chief, Office of Economic Development Programs, Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, Illinois 62701;

2) the chief elected official of the enterprise zone community in which the business was located in; and

3) in the case of a joint zone, the chief elected official of the municipality and the County Board Chairperson of the participating county.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART F: HIGH IMPACT BUSINESSES IN ILLINOIS TAX INCENTIVES

Section 520.600 Definitions Jobs Tax Credit

The following definitions are applicable to Subpart F.

"Department" means the Department of Commerce and Community Affairs.

"Eligible investment" means the required amount of investments in qualified property, as defined by Section 201(h) of the Illinois Income Tax Act [35 ILCS 5/201(h)] that qualifies a business for the High Impact Business designation.

"Foreign Trade Zone" or "Foreign Trade Sub-Zone" means a geographic area
designated by the federal government under the Foreign Trade Zone Act of 1934, as amended (19 USC 81(a)) or rules promulgated under that Act (15 CFR 400 (1986)).

"Full-time employer" means a person who works an average of a minimum of 35 regular hours per week for 52 weeks for a total of 1,820 or more hours per year. Vacations, paid holidays and sick time are included in this computation. Overtime is not considered a part of regular hours.

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, employee means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"High Impact Business" means a business located in Illinois designated as a High Impact Business by the Department pursuant to Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 655/5.5].

"Job creation" means at least 500 full-time equivalent employees are to be hired at a designated location in Illinois over the number of full-time equivalent employees that were employed by the applicant prior to January 1, 1989. Job titles being filled or refilled as a result of strikes or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation. Job creation must occur within 36 months after the designation date.

"Job retention" means at least 1,500 full-time employees are to be retained by the High Impact Business as a direct result of the eligible investment, and that the employees would have lost their jobs had the eligible investment not been made. Job retention means maintaining all full-time jobs of a company that existed at the designated locations at the time of application submittal.

"Large scale investment and development project" means a project of a High Impact Business that is the result of a minimum eligible investment of $12 million that will be placed in service in qualified property and causes the creation of 500 full-time equivalent jobs, or is the result of a minimum eligible investment of $30 million that will be placed in service in qualified property and causes the retention of 1,500 full-time jobs at a designated location in Illinois.

"New electric generating facility" means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric
NOTICE OF ADOPTED AMENDMENTS

A generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001.

"New Illinois coal mining jobs" means coal mining jobs created in Illinois coal mines, not sooner than July 1, 2001, not including a call back from a layoff, supported by a "new electric generating facility" as described in this Section. Alternatively, a "new Illinois coal mining job" can be indirectly determined from quantities of coal purchased, or to be purchased, annually, based on the average amount of coal produced per Illinois miner in calendar year 2000, as published in the Annual Statistical Report of the Division of Mines and Minerals, Illinois Department of Natural Resources. Illinois miners produced an average of 9,691 tons of coal in calendar year 2000.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function. An eligible investment in qualified property as defined in Section 201(h) of the Illinois Income Tax Act shall be considered placed in service on the date the property is placed in a condition of readiness and availability for use, or the date on which the depreciation period of that property begins.

"Transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with Section 5.5(d) of the Act.

Section 201(i)(3)(a) of the Illinois Income Tax Act (Ill. Rev. Stat. 1986 Supp., ch. 120, par. 2-201(i)(3)(a)) requires the Department to certify individuals as eligible for the jobs tax credit, authorized under Section 201(i) of the Illinois Income Tax Act. Certification vouchers provided by the Department shall be completed, by the Service Delivery Area and Dislocated Worker Center staff responsible for administering and establishing eligibility for a Job Training Partnership Act Title II or Title III program within an enterprise zone or in a federally designated Foreign Trade Zone or Sub-Zone (15 CFR 400 (1987) with no later amendments or editions), to certify individuals as qualified to receive services pursuant to 56 Ill. Adm. Code 2610.80 and 2620.90 and eligible for the jobs tax credit.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Section 520.610 Eligible Applicants

Any business located in Illinois, excluding businesses located in Illinois Enterprise Zones, may apply to the Department for designation as a High Impact Business pursuant to the provisions of Section 5.5 of the Act.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.620 Eligibility Criteria

A business shall be designated by the Department as a High Impact Business if the business:

a) General. Is located in Illinois and:
   1) Not in a Zone. Is not located in an Illinois Enterprise Zone; and
   2) Minimum Eligible Investment. Intends to make a minimum eligible investment of $12 million that will be placed in service in qualified property in Illinois and intends to create 500 full-time equivalent jobs at a designated location in Illinois; or intends to make a minimum eligible investment of $30 million that will be placed in service in qualified property in Illinois and intends to retain 1,500 full-time equivalent jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in Section 5.5(b) of the Act. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act [20 ILCS 655/5.5(a)(3)(A)]; or

b) New Electric Generating Facility. Intends to establish a new electric generating facility at a designated location in Illinois. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in Section 5.5(b-5) of the
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Act [20 ILCS 655/5.5(a)(3)(B)]; or

c) Production Operations at a New Coal Mine. Intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in Section 5.5(a)(3)(B) of the Act; and further provided that the coal extracted from the mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in Section 5.5(b-5) of the Act. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act [20 ILCS 655/5.5(a)(3)(C)]; or

d) New or Upgraded Transmission Facilities. Intends to construct new transmission facilities or upgrade existing transmission facilities, at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in Section 5.5(b-5) of the Act [20 ILCS 655/5.5(a)(3)(D)].

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.630 Form of Application

An application shall be submitted on the standard application form provided by the Department. The application shall include:

a) Investment Information. For each eligible investment, a description of the planned investment; documentation to substantiate that the investment is qualified (e.g., construction schedules, schematics, and specifications or lists, and approximate value of equipment to be purchased as provided by contractors and/or architects and engineers); and a statement of when the eligible investment will be placed in service in qualified property.

b) Job Creation. For investments in which full-time equivalent jobs are to be created, organized by job titles, the number of current and new full-time equivalent employees and the starting date of the new employees; and an explanation of how and why the investment causes additional full-time employment at the designated location in Illinois in which the investment is made.
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

c) Job Retention. For each designated location in Illinois in which full-time jobs are to be retained, organized by job titles, the number of full-time employees; and an explanation of how and why the investment causes the retention of full-time employees.

d) Existing Illinois Businesses. Existing Illinois businesses qualifying under the job retention criteria must provide a prospective plan that demonstrates that 1,500 full-time jobs would be eliminated in the event the business is not designated. The prospective plan shall include, but is not limited to, written information such as non-Illinois sites under consideration, cost-benefit analyses of moving or closing the business, financial statements, internal memoranda, or any other financial documentation evidencing that the business would either relocate to a non-Illinois site or close down in the event the business is not designated.

e) Newly Proposed Facilities. Newly proposed facilities qualifying under the job creation criteria must provide proof of alternative non-Illinois sites that would receive the proposed investment and job creation in the event the business is not designated. Such proof shall include, but is not limited to, incentive letters, prospective offers from other states, or other documentation indicating a firm interest in alternative non-Illinois locations.

f) Certification. A signed and dated statement that the investments would not be placed in service in qualified property and the job creation or retention would not occur without the tax credits and exemptions set forth in Section 5.5(b) of the Illinois Enterprise Zone Act; a signed and dated statement indicating application information is true and correct, and granting the Department access to material, documentation, and other data required to verify application information. The signed and dated statement that the investments would not be placed in service in qualified property and the job exemptions set forth in Section 5.5(b) of the Illinois Enterprise Zone Act applies only to the initial application for designation and not to any subsequent renewals.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.640 Application Approval Process

a) Application Submissions. Applications may be submitted to the Department at any time during the year.

b) Approvals and Denials. The Department shall approve or deny an application within 30 days. If the Department denies the initial application, it will specify the reasons for the denial in writing and allow the applicant 30 days to amend and resubmit the application. Resubmitted applications will be approved or denied in
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

writing within 30 days after receipt. In no event shall the review period last
longer than 90 days. In the event of a complaint by the applicant, the Department
will follow the procedures outlined in 56 Ill. Adm. Code 2605 (Administrative
Hearing Rules).

e) Notification of Designation. If the applicant is eligible, in accordance with
Section 520.620, the Department will notify the applicant in writing of
designation as a High Impact Business and transmit a copy of the designation to
the Illinois Department of Revenue.

d) Tax Credits and Exemptions (Investments). Applicants designated as High
Impact Business pursuant to Section 5.5(a)(3)(A) of the Act shall qualify for the
credits and exemptions described in the following Acts: Sections 9-222 and 9-
222.1A of the Public Utilities Act [220 ILCS 5/9-222 and 9-222.1A]; Section
201(h) of the Illinois Income Tax Act [35 ILCS 5/201(h)]; and Sections 1d, 1e,
and 5l of the Retailers' Occupation Tax Act [35 ILCS 120/1d, 1e and 5l]; provided
that the credits and exemptions described in these Acts shall not be authorized
until the minimum investments have been placed in service in qualified
properties, and in the case of the exemptions described in the Public Utilities Act
and the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or
full-time jobs shall have been created or retained.

e) Tax Credits and Exemptions (New Electric Generating Facility, New Coal Mine,
and New Transmission Facility). Applicants designated as High Impact
Businesses pursuant to Section 5.5(a)(3)(B), (a)(3)(C), and (a)(3)(D) of the Act
shall qualify for the credits and exemptions described in the following Acts:
Section 5l of the Retailers' Occupation Tax Act, Sections 9-222 and 9-222.1A of
the Public Utilities Act, and Section 201(h) of the Illinois Income Tax Act,
however, the credits and exemptions authorized under Sections 9-222 and 9-
222.1A of the Public Utilities Act, and Section 201(h) of the Illinois Income Tax
Act, shall not be authorized until the new electric generating facility, the new
transmission facility, or the new, expanded, or reopened coal mine is operational;
and except that a new electric generating facility whose primary fuel source is
natural gas is eligible only for the exemption under Section 5l of the Retailers'
Occupation Tax Act.

f) Additional Tax Credits and Exemptions (Foreign Trade Zones and Sub-Zones).
High Impact Businesses located in federally designated foreign trade zones or
sub-zones are also eligible for additional credits, exemptions, and deductions as
described in the following Acts: Section 9-231 of the Public Utilities Act;
Sections 201(g) and 203 of the Illinois Income Tax Act; and Section 51 of the

g) Duty to Notify of Investments. Prior to authorization for the credits and
exemptions described in Section 9-222 of the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, businesses shall notify the Department, on forms provided by the Department, when the minimum eligible investment has been placed in service in qualified property and the minimum full-time equivalent or full-time jobs have been created or retained.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.650 Revocation of the High Impact Business Designation

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

b) Failure to Comply with Certification. The Department shall revoke a High Impact Business designation if the business fails to comply with the terms and conditions of the certification.

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

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

e) Recovery of Wrongfully Exempted State Taxes. Following revocation, the Department will contact the Director of the Illinois Department of Revenue and request he begin proceedings to recover wrongfully exempted State taxes with interest under the provisions of 35 ILCS 120/4 and 5.

f) Ineligibility for State Funded Programs. Any business whose High Impact Business designation is revoked shall be ineligible for all State funded Department programs for 10 years.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

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

Section 520.700  List of Available Tax Incentives Definitions

a) Several tax incentives are available to businesses in Enterprise Zones and those designated as a High Impact Business. The following four are available to both Enterprise Zones and High Impact Businesses:
   1) Investment Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(f) and (h)];
   2) Utility Tax Exemption found in the Public Utilities Act [220 ILCS 5/9-222.1 and 9-222.1A];
   3) Machinery and Equipment/Pollution Control Facilities Sales Tax Exemption found in the Retailers' Occupation Tax Act [35 ILCS 120/1d - 1f]; and
   4) Building Material Sales Tax Exemption found in the Retailers' Occupation Tax Act [35 ILCS 120/5k and 5l].

b) Four tax incentives available to businesses in Enterprise Zones as well as High Impact Businesses that are located within a Foreign Trade Zone or Sub-Zone:
   1) Jobs Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(g)];
   2) Dividend Income Deduction found in the Illinois Income Tax Act [35 ILCS 5/203(b)(2)(K) and (L)];
   3) Interest Income Deduction for Financial Institutions found in the Illinois Income Tax Act [35 ILCS 5/203(b)(2)(M) and (M-1)]; and
   4) Telecommunications Excise Tax Exemption on Originating Calls found in the Telecommunications Excise Tax Act [35 ILCS 630].

c) A special tax incentive exists that is limited only to a High Impact Business Service Facility in an Enterprise Zone. This tax incentive is known as the High Impact Service Facility Machinery and Equipment Sales Tax Exemption and is found in the Retailers' Occupation Tax Act [35 ILCS 120/1i and 1j].

The following definitions are applicable to Subpart G.

"Department" means the Department of Commerce and Community Affairs.

"Eligible Investment" means the required amount of investments in qualified property, as defined by Section 201(h) of the Illinois Income Tax Act (Ill. Rev. Stat. 1988 Supp., ch. 120, par. 2-201(h)) that qualifies a business for High Impact Business designation.
"Foreign Trade Zone or Sub-Zone" means a geographic area designated by the federal government under the Foreign Trade Zone Act of 1934, as amended (19 U.S.C. 81(a), October 30, 1984; 15 CFR 400 (1986), with no later amendments or editions).

"Full-Time Employer" means a person who works an average of a minimum of 35 regular hours per week for 52 weeks for a total of 1,820 or more hours per year. Vacations, paid holidays and sick time are included in this computation. Overtime is not considered regular hours.

"Full-Time Equivalent Job" means the number of employees required to equal one full-time employee. For purposes of this definition, employee means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"High Impact Business" means a business located in Illinois which is designated as a high impact business by the Department pursuant to the provisions of Section 5.5 of the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1987, ch. 67½, par. 609.1).

"Job creation" means at least 500 full-time equivalent employees are to be hired at a designated location in Illinois over the number of full-time equivalent employees that were employed by the applicant prior to January 1, 1989. Job titles being filled or re-filled as a result of strikes or layoffs cannot be considered job creation.

"Job retention" means at least 1,500 full-time employees are to be retained by the High Impact Business as a direct result of the eligible investment and that the employees would have lost their jobs had the eligible investment not been made.

"Large scale investment and development project" means a project of a High Impact Business which is the result of a minimum eligible investment of $12,000,000 and causes the creation of 500 jobs, or is the result of a minimum eligible investment of $30,000,000 and causes the retention of 1,500 jobs.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function. Eligible investments in qualified property as defined in Section 201(h) of the Illinois Income Tax Act shall be considered placed in service on the date the property is placed in a condition of readiness and availability for use; or the date on which the depreciation period of that property
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

begins.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.710 Eligible Applicants (Repealed)

Any business located in Illinois, excluding business located in Illinois Enterprise Zones, may apply to the Department for designation as a High Impact Business pursuant to the provisions of Section 5.5 of the Illinois Enterprise Zone Act.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.720 Eligibility Criteria (Repealed)

A business shall be designated by the Department as a High Impact Business if the business:

a) is located in Illinois;

b) is not located in an Illinois Enterprise Zone;

c) is found by the Department to promote the growth and expansion of the private sector through a large scale investment and development project as defined in Section 520.700;

d) intends to make a minimum eligible investment of $12,000,000 which will be placed in service in qualified property in Illinois and is intended to create 500 full-time equivalent jobs at a designated location in Illinois; or intends to make a minimum eligible investment of $30,000,000 which will be placed in service in qualified property in Illinois and is intended to retain 1,500 full-time equivalent jobs at a designated location in Illinois.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.730 Form of Application (Repealed)

An application shall be submitted on the standard application form provided by the Department. The application shall include:

a) Investment Information—for each eligible investment, a description of the planned investment; documentation to substantiate the investment is qualified (e.g., construction schedules, schematics and specifications or lists, and approximate value of equipment to be purchased as provided by contractors and/or architects and engineers); and a statement when the eligible investment will be placed in service in qualified property.
b) Job Creation— for investments in which full-time equivalent jobs are to be created, by job title(s) the number of current and new full-time equivalent employees and the starting date of the new employees; and an explanation of how and why the investment causes additional full-time employment at the designated location in Illinois in which investment is made.

c) Job Retention— for each designated location in Illinois in which full-time jobs are to be retained, by job title(s) the number of full-time employees; and an explanation of how and why the investment causes the retention of full time employees.

d) Existing Illinois businesses qualifying under the job retention criteria must provide a prospective plan that demonstrates that 1,500 full-time jobs would be eliminated in the event the business is not designated. The prospective plan shall include, but is not limited to, written information such as non-Illinois sites under consideration, cost/benefit analyses of moving or closing the business, financial statements, internal memoranda, or any other financial documentation evidencing that the business would either relocate to a non-Illinois site or close down in the event the business was not designated.

e) Newly proposed facilities qualifying under the job creation criteria must provide proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event the business is not designated. Such proof shall include, but is not limited to, incentive letters, prospective offers from other states or other documentation indicating firm interest in alternative non-Illinois locations.

f) Certification— a signed and dated statement that the investments would not be placed in service in qualified property and the job creation or retention would not occur without the tax credits and exemptions set forth in Section 5.5(b) of the Illinois Enterprise Zone Act; a signed and dated statement indicating application information is true and correct, and granting the Department access to material, documentation, and other data required to verify application information.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.740 Application Review and Approval (Repealed)

a) Applications may be submitted to the Department at any time during the year.

b) The Department shall approve or deny an application within 30 days. If the Department denies the initial application, it will specify the reasons for the denial in writing and allow the applicant 30 days to amend and resubmit the application. Resubmitted applications will be approved or denied in writing within 30 days of
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

receipt. In no event shall the review period last longer than 90 days. In the event of a complaint by the applicant, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

e) If the application is eligible, in accordance with Section 520.720, the Department will notify the applicant in writing of designation as a High Impact Business and transmit a copy of the designation to the Illinois Department of Revenue.
d) Applicants determined eligible by the Department shall qualify for the credits and exemptions described in the following Acts: Section 9-222 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 9-222); Section 201(h) of the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120., par. 2-201(h)); Sections 1d and 1e of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 440(d) and 440(e)); provided that the credits and exemptions described in these Acts shall not be authorized until the minimum investments have been placed in service in qualified properties. In the case of the exemptions described in The Public Utilities Act and the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs shall have been created or retained.
e) High Impact Business located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 9-221); Section 201(g) and 203 of the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 2-201(g) and 2-203); and Section 5(1) of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 444(1)).
f) Prior to authorization for the credits and exemptions described in Section 9-222 of The Public Utilities Act and Section 1(d) of the Retailers' Occupation Tax Act, businesses shall notify the Department on forms provided by the Department when the minimum eligible investments have been placed in service in qualified property and the minimum full-time equivalent or full-time jobs have been created or retained.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.750  Revocation of the High Impact Business Designation  (Repealed)

a) The Department shall revoke a High Impact Business designation in the event that it demonstrates that the business would have placed in service in qualified property the minimum eligible investment and created or retained the requisite number of jobs without the benefits of High Impact Business designation. Proof of this shall include, but is not limited to, correspondence, financial plans and
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

prospectuses, internal memoranda and other written documentation demonstrating the business would have made the eligible investment without the designation.

b) The Department shall revoke a High Impact Business designation if the business fails to comply with the terms and conditions of the certification.

c) The Department shall revoke a High Impact Business designation if it is determined upon investigation that the business falsified application information in violation of Section 520.730(f).

d) The Department shall notify a High Impact Business in writing that it is subject to revocation. Such notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

e) Following revocation the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes with interest.

f) Any business whose High Impact Business designation is revoked shall be ineligible for all State funded Department programs for ten years.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART H: INVESTMENT TAX CREDIT CARRY FORWARD

Section 520.800 General Definitions (Repealed)

The Investment Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(f) and (h)] provides for a 0.5% credit against the State income tax for investments made in qualified property that are placed in service in an Enterprise Zone [35 ILCS 5/201(f)] or by a High Impact Business [35 ILCS 5/201(h)]. The credit shall be 0.5% of the basis for such property. The specific terms and conditions governing this tax credit are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 100.2110 and 86 Ill. Adm. Code 100.2130).


SUBPART I: UTILITY TAX EXEMPTION MACHINERY AND EQUIPMENT POLLUTION CONTROL FACILITIES SALES TAX EXEMPTION

Section 520.900 Definitions

The following definitions are applicable to Subpart I.

"Department" means the Department of Commerce and Community Affairs.

"Eligible investment" means shall consist of the following two categories of expenditures:

Investments in qualified property that are placed in service in an Enterprise Zone or by a designated High Impact Business in Illinois. Qualified properties are statutorily defined in Section 201(f) of the Illinois Income Tax Act [35 ILCS 5/201(f)] or (Ill. Rev. Stat. 1989, ch. 120, par. 2-201(f)).

Noncapital/nonroutine investments, and associated service costs (direct labor or contractual fees), placed in service in an Enterprise Zone and made for the improvement or renovation of qualified properties. These activities are undertaken for the purpose of improving productive capacity, efficiency, product quality, or competitive position. The investments cannot be repetitious, commonplace, or associated with regular maintenance expenditures, and would include, for example, rebuilt cast house furnaces, rebuilt soaking furnaces, a rebuilt hot line control system, a restructured plant layout, and installed equipment to rebuild a logeman baler. Noncapital/nonroutine investments are those that do not qualify for the investment tax credit pursuant to Section 201(f) of the Illinois Income Tax Act.

Businesses utilizing this definition must provide detailed information as set forth in Section 520.920(a) regarding the purpose, scope, justification, and benefits of these noncapital/nonroutine investments, including defined project start and completion target dates, and a level of expenditures of at least $40,000.

"Foreign Trade Zone" or "Foreign Trade Sub-Zone" means a geographic area designated by the federal government under the Foreign Trade Zone Act of 1934, as amended (19 USCA 81(a)) or rules promulgated under that Act (15 CFR 400.
"Full-time employee" means a person, employed by the taxpayer or any wholly-owned subsidiary of the taxpayer, who works a minimum of 35 regular hours per week for 52 weeks for a minimum total of 1,820 hours per year. Vacations, paid holidays, and sick time are included in this computation. Overtime is not considered a part of regular hours.

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, "employee" means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"High Impact Business" means a business that designated as a High Impact Business by the Department pursuant to the provisions of Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 655/5.5] and 14 Ill. Adm. Code 520.600.

"Job creation" means at least 200 full-time equivalent employees have been hired over the number of full-time equivalent employees that were employed by the applicant as of January 1, 1986, September 25, 1985 or the date the Enterprise Zone enterprise zone was certified, whichever is later. Job titles being filled or refilled as a result of strikes or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation cannot be computed as job creation. A majority of the "jobs created" must be made in the Enterprise Zone enterprise zone in which the eligible investment is made.

"Job retention" means that at least 1,000 full-time employees will remain employed in Illinois as a direct result of the eligible investment, and that the employees would have lost their jobs had the investment not been made. A majority of the "jobs retained" must be in the Enterprise Zone in which the eligible investment was made.

at least 2,000 full-time employees, a majority of which are located in the enterprise zone in which the eligible investment is made, will remain employed in Illinois as a direct result of the eligible investment and the employees would have lost their jobs had the investment not been made. The number originally retained in the enterprise zone must be retained for the duration of the exemption or
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

at least 90% of the full-time jobs in place in the enterprise zone on the date on which the exemption is granted will remain in place in the enterprise zone for the duration of the exemption. If the business utilizes full-time jobs retained at Illinois facilities outside the enterprise zone to qualify for this exemption, 90% of the total full-time jobs must also be retained for the duration of the exemption.

"Minimum investment" means the amount of eligible investments that must be made to qualify for the exemption. Under the job creation criteria, the minimum eligible investment that must be made in an Enterprise Zone enterprise zone is $5 million. Under the job retention criteria, the minimum eligible investment that must be made in an Enterprise Zone enterprise zone is $20 million.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function, as defined in 26 CFR 1.46-3(d). Eligible investments in qualified property as defined in Section 2-201(f) of the Illinois Income Tax Act shall be considered placed in service on the earlier of

the date the property is placed in a condition of readiness and availability for use; or

the date on which the depreciation period of that property begins. Eligible noncapital and nonroutine investments shall be considered placed in service if eighty percent of the allocated monies have been expended.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.910 Eligibility Criteria

a) Enterprise Zones

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

A) a minimum eligible investment of $5 million in an enterprise zone which causes the creation of a minimum of 200 full-time
The text contains a list of conditions for adoption of amendments, detailing specific requirements for businesses operating in Illinois Enterprise Zones. It outlines the minimum eligible investments and the retention of jobs to qualify for the exemption.

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

b) High Impact Business

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

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)
b) Job Information

1) Job Creation. Information on new employment that will occur in the Enterprise Zone as a result of the investment, which includes, by job title(s), the number of current and new employees, the starting date of new employees; and an explanation of how and why the investment causes additional employment, both inside and outside of the Enterprise Zone; or

2) Job Retention. Information on the full-time jobs that will be retained in the Enterprise Zone as a result of the investment, which includes, by job title(s) the number of employees in and outside of the Enterprise Zone, and an explanation of how and why the investment causes retention of full-time employees.

3) Employment Requirement for Job Creation. Applicants utilizing the job creation criterion for eligibility for the exemption must actually employ 200 full-time equivalent employees prior to certification for this exemption.

4) Submit Applications Prior to Job Creation. Applicants are encouraged to submit applications to the Department prior to the actual creation of 200 full-time equivalent jobs. The Department will conditionally approve the application subject to the requirements of Section 520.910 being met.

c) Audit. An examination by public accountants certified by the State of Illinois, in accordance with generally accepted accounting practices, containing the unqualified opinion of such public accountants that the minimum eligible investment has been made and that the minimum jobs have been created or retained.

d) Certification. A signed and dated statement indicating that the data and information in the application is correct, that the Department will be provided access to any material, documentation, or other data required to verify application information, and a statement that the number of jobs to be created or retained shall be maintained for the term of exemption, otherwise the Department will be notified and the exemption terminated.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.930 Application Review and Approval Process

a) Application Approval Requirements. Applications shall be submitted to the Department, which shall approve or deny the application in writing within 90 days after receipt. The application shall be approved if it meets the
requirements of Sections 520.910 and 520.920, utilizing one of the two following options:

1) Investments Placed in Service. The applicant has substantiated, in accordance with Section 520.920(a), that the eligible investment in qualified property has been placed in service; or

2) Spending Plan and Financial Commitments. The applicant has not placed in service in qualified property the eligible investment. However, a spending plan and financial commitments for the proposed eligible investment have been submitted. The spending plan must include a detailed "project by project" description, as well as the estimated eligible investment for each specific project. The spending plan must further include the date when the eligible investment in each project will be placed in service. The applicant’s financial commitments must include the sources of financing for the project. Should the applicant choose to follow this option, it must sign a written agreement with the Department obligating the business to place in service the eligible investment in qualified property within 12 months after certification pursuant to this Section. Should the business fail to place in service the eligible investment in qualified property within 12 months after certification pursuant to this Section, the business shall be decertified for the tax exemption and required to repay the exempted taxes. Should the business place in service the eligible investment subsequent to this decertification, the business may reapply to the Department for recertification. However, this reapplication must utilize the procedures set forth in subsection (a)(1) of this Section, and contain the same information as required pursuant to Section 520.920.

b) Application Denial Requirements. When the Department denies an application, it shall specify in writing the reasons for denial and shall allow the applicant 45 days from the date of application denial to amend and resubmit the application. Resubmitted applications shall be approved or denied in writing within 45 days of receipt.

c) Certificates for "Investment" Applicants. Applicants determined eligible by the Department, in accordance with subsection (a)(1) of this Section, will be issued a Certificate of Exemption. The exemption shall take effect six months after certification. A copy of the Certificate of Exemption will be filed by the Department with the Illinois Department of Revenue in accordance with Section 1f of the Act.

d) Certificates for "Spending Plan" Applicants. Applicants determined eligible by the Department, in accordance with subsection (a)(2) of this Section, will be
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

issued a Certificate of Exemption 12 months prior to the eligible investment in qualified property being placed in service as set forth in the applicant's spending plan submitted pursuant to this Section. Subject to Section 520.910 herein, and in accordance with Section 1d of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1991, ch. 120, par. 440d) this exemption includes

1) all tangible personal property used or consumed in the process of manufacturing or assembling of tangible personal property for wholesale or retail sale or lease or in the process of graphic arts production;

2) repair and replacement parts for machinery and equipment used in the manufacturing or assembling of tangible personal property or in the process of graphic arts production for wholesale or retail sale or lease; and

3) equipment, manufacturing or graphic arts fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling or graphic arts machinery or equipment.

e) Department's Right to Inspect and Audit. The Department shall have the right to inspect and conduct its own audit of all books and records relied upon by the business to demonstrate that the eligible investment in qualified property has been placed in service. Certified businesses shall also submit information annually to the Department documenting the maintenance of the minimum job creation or job retention criterion. Certified businesses that fail to comply with this subsection shall be decertified for the tax exemption and shall repay the exempted taxes. The jobs created or retained must be documented through personnel records.

f) Five-Year Exemption Period. All certified businesses shall receive a five-year exemption from the State utility tax for a period of five years.

g) Additional Exemption Period for Certified Businesses. At the expiration of this initial five-year period, certified businesses may apply to the Department for renewals of the exemption for additional five-year time periods not to exceed the termination date of the Enterprise Zone. The Department shall grant an exemption to a certified business for an additional five-year period at 100% of the State utility taxes provided that at the time of the application for each renewal:

1) Jobs Retained are in an Enterprise Zone. In the case of a business certified pursuant to the job creation criterion of Section 520.920, such business has retained a minimum of 200 full-time equivalent jobs in Illinois; or in the case of a business certified pursuant to the job retention criterion of Section 520.910, such business has retained a minimum of 1,000 full-time jobs in Illinois. A majority of the "jobs retained" must be in the Enterprise Zone in which the eligible investment is made. The following job creation/retention criteria are met:
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

A) In the case of a business certified pursuant to the job creation criterion of Section 520.910, such business has retained a minimum of 200 full-time equivalent jobs in Illinois.

B) In the case of a business certified pursuant to the job retention criterion of Section 520.910, such business has
i) retained a minimum of 2,000 full-time jobs in Illinois, or
ii) has made an eligible investment of $40,000,000 resulting in the retention of 90% of the full-time jobs in place on the date on which the exemption is granted for the duration of the exemption.

C) A majority of the "jobs retained" must be in the Enterprise Zone in which the eligible investment is made.

2) Business is Located in an Enterprise Zone. Such business is located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act [20 ILCS 655](Ill. Rev. Stat. 1991, ch. 67½, pars. 601 et seq.).

3) Business Provides an Audited Financial Statement. Such business provides a financial statement, Audited Financial Statement, including balance sheets and income statements, audited according to generally accepted auditing standards by a public accountant certified in the State of Illinois as contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2001, no later editions are incorporated). In addition, the certified business' firm's chief financial officer shall attest in writing that the certified business firm is not aware of a condition or occurrence that would result in a bankruptcy or closure.

4) Maximum Period of Exemption. This exemption shall not be allowed beyond the term of the certified Enterprise Zone.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

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

Section 520.1000 Definitions

The following definitions are applicable to Subpart J.

"Act" means Sections 1d-1f of the Retailers' Occupation Tax Act [35 ILCS
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS


"Department" means the Department of Commerce and Community Affairs.

"Eligible investment" means:

Investments in qualified property that are placed in service in an Enterprise Zone or by a Department-designated High Impact Business in a designated location in Illinois. Qualified properties are statutorily defined in Section 201(f) Sections 2-201(f) of the Illinois Income Tax Act [35 ILCS 5/201(f)] (Ill. Rev. Stat. 1988 Supp., ch. 120, pars. 2-201 (f) and (h)); and

Noncapital investments, and associated service costs (direct labor or contractual fees), placed in service in an Enterprise Zone and made for the improvement or renovation of qualified properties. These activities are undertaken for the purposes of improving productive capacity, efficiency, product quality, or competitive position. The investments cannot be repetitious, commonplace, or associated with regular maintenance expenditures, and would include, for example, rebuilt cast house furnaces, rebuilt soaking furnaces, a rebuilt hot line control system, a restructured plant layout, and installed equipment to rebuild a logeman baler. Noncapital/nonroutine investments are those that do not qualify for the investment tax credit pursuant to Section 201(f) 2-201(f) of the Illinois Income Tax Act.

Businesses utilizing this definition must provide detailed information regarding the purpose, scope, justification, and benefits of these noncapital/nonroutine investments, including defined project start and completion target dates, and a level of expenditures of at least $40,000.

"Foreign Trade Zone or Sub-Zone" means a geographic area designated by the federal government under the Foreign Trade Zone Act of 1934, as amended (19 U.S.C.A. 81 (a), (October 30, 1984); 15 CFR 400 (1986)).

"Full-time employee" means a person, employed by the taxpayer or any wholly-owned subsidiary of the taxpayer, who works a minimum of 35 hours per week for 52 weeks for a minimum total of 1,820 hours per year. Vacations, paid
ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

holidays, and sick time are included in this computation. Overtime is not considered a part of regular hours.

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, employee means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"High Impact Business" means a business that which is designated as a High Impact Business by the Department pursuant to the provisions of Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 655/5.5] (Ill. Rev. Stat. 1987, ch. 67½, par. 609.1) and 14 Ill. Adm. Code 520.600 14 Ill. Adm. Code 520.700.

"Job creation" means at least 200 full-time equivalent employees have been hired over the number of full-time equivalent employees that were employed by the applicant as of September 25, 1985 January 1, 1986, or the date the Enterprise Zone was certified, whichever is later. Job titles being filled or refilled re-filled as a result of strikes or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation cannot be computed as job creation. A majority of the "jobs created" must be made in the Enterprise Zone in which the eligible investment is made.

"Job retention" means: that at least 1,000 full-time employees will remain employed in Illinois as a direct result of the eligible investment and that the employees would have lost their jobs had the investment not been made. A majority of the "jobs retained" must be in the Enterprise Zone in which the eligible investment is made.

At least 2,000 full-time employees, a majority of whom are located in the Enterprise Zone in which the eligible investment is made, will remain employed in Illinois as a direct result of the eligible investment, and would have lost their jobs had the investment not been made. The number originally retained in the Enterprise Zone must be retained for the duration of the exemption; or

At least 90% of the full-time jobs in place in the Enterprise Zone on the date on which the exemption is granted will remain in place in the Enterprise Zone for the duration of the exemption. If the business utilizes full-time jobs retained at Illinois facilities outside of the Enterprise Zone
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

to qualify for this exemption, 90% of the total full-time jobs must also be retained for the duration of the exemption.

"Minimum investment" means the amount of eligible investment which must be made to qualify for the exemption. Under the job creation criteria, the minimum eligible investment that must be made in an Enterprise Zone is $5 million. Under the job retention criteria, the minimum eligible investment that must be made in an Enterprise Zone is $40 million.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function as defined in 26 CFR 1.167(a)-11, Code of Federal Regulations Vol. 2, April 1, 2001. An eligible investment in qualified property as defined in Section 201(f) of the Illinois Income Tax Act shall be considered placed in service on the earlier of:

The date the property is placed in a condition of readiness and availability for use; or

The date on which the depreciation period of that property begins. Eligible noncapital/nonroutine investments shall be considered placed in service if 80% of the allocated monies have been expended.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1010 Eligibility Criteria

a) Enterprise Zone

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

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

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

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

NOTICE OF ADOPTED AMENDMENTS

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

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

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1020  Form of Application

An application shall be submitted on the standard application form provided by the Department. An application shall include:

a) **Investment Information.** A summary of the eligible investment and a statement of when the eligible investment in qualified property was or will be placed in service.

b) **Job Information.**
   1) **Job Creation.** Information on new employment that will occur in the Enterprise Zone as a result of the investment, which includes, by job title(s), the number of current and new employees, the starting date of new employees, and an explanation of how and why the investment causes additional employment, both inside and outside of the Enterprise Zone.
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

2) Job Retention. Information on the full-time jobs that have been retained in an Enterprise Zone as a result of the investment, which includes, by job title(s), the number of employees in and outside of the Enterprise Zone.

3) Employment Requirements for Job Creation. Applicants utilizing the job creation criterion for eligibility for the exemption must actually employ 200 full-time equivalent employees prior to certification for this exemption.

4) Submit Applications Prior to Job Creation. Applicants are encouraged to submit applications to the Department prior to the actual creation of 200 full-time equivalent jobs. The Department will conditionally approve the application subject to the requirements of Section 520.1010 being met.

c) Audit. An examination by public accountants certified by the State of Illinois, in accordance with generally accepted accounting practices, containing the unqualified opinion of such public accountants that the minimum eligible investment has been made and that the minimum jobs have been created or retained.

d) Certification. A signed and dated statement indicating that the data and information in the application is correct; that the Department will be provided access to any material, documentation, or other data required to verify application information, and a statement that the number of jobs created or retained shall be maintained for the term of exemption, otherwise the Department will be notified and the exemption terminated.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1030 Application and Approval Process

a) Application Approval Requirements. Applications shall be submitted to the Department, which shall approve or deny the application in writing within 90 days after receipt. The application shall be approved if it meets the requirements of Section 520.1010 and 520.1020, utilizing one of the two following options:

1) The applicant has substantiated, in accordance with Section 520.1020(a), that the eligible investments in qualified property have been placed in service; or

2) The applicant has not placed in service in qualified property the eligible investments. However, a spending plan and financial commitments for the proposed eligible investment have been submitted. The spending plan...
must include a detailed "project by project" description, as well as the estimated eligible investment for each specific project. The spending plan must further include the date when the eligible investment in each project will be placed in service. The applicant's financial commitments must include the sources of financing for the project. Should the applicant choose to follow this option, it must sign a written agreement with the Department obligating the business to place in service the eligible investments in qualified property within twelve (12) months after certification pursuant to this Section. Should the business fail to place in service the eligible investments in qualified property within twelve months after certification pursuant to this Section, the business shall be decertified for the tax exemption and required to repay the exempted taxes. Should the business place in service the eligible investments subsequent to this decertification, the business may reapply to the Department for recertification. However, this reapplication must utilize the procedures set forth in subsection (a)(1) of this Section, and contain the same information as required pursuant to Section 520.1020.

b) Application Denial Requirements. When the Department denies an application, it shall specify in writing the reasons for denial and allow the applicant 45 days from the date of application denial to amend and resubmit the application. Resubmitted applications shall be approved or denied in writing within 45 days after receipt.

c) Certificates of Exemption. Applicants determined eligible by the Department, in accordance with Section 520.1010 subsection (a)(1), will be issued a Certificate of Exemption. A copy of the Certificate of Exemption will be filed by the Department with the Illinois Department of Revenue in accordance with Section 1f of the Retailers' Occupation Tax Act. The exemption shall take effect 6 months after certification.

d) Exemption Includes. Subject to Section 520.1010, and in accordance with Section 1d of the Retailers' Occupation Tax Act, this exemption includes: Applicants determined eligible by the Department, in accordance with subsection (a)(2), will be issued a Certificate of Exemption twelve months prior to the eligible investments in qualified property being placed in service as set forth in the applicant's spending plan submitted pursuant to this Section.

1) Tangible Personal Property. All tangible personal property used or consumed in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, or in the process of graphic arts production;

2) Repair and Replacement Parts. Repair and replacement parts for
machinery and equipment used in the manufacturing or assembling of tangible personal property, or in the process of graphic arts production for wholesale or retail sale or lease; and

3) Equipment Manufacturing, Etc. Equipment, manufacturing or graphic arts fuels, material, and supplies for the maintenance, repair, or operation of such manufacturing or assembling or graphic arts machinery or equipment.

e) Department's Right to Inspect and Audit. The Department shall have the right to inspect and conduct its own audit of all books and records relied upon by the business to demonstrate that the eligible investment in qualified property has been placed in service. Certified businesses shall also submit information annually to the Department documenting the maintenance of the minimum job creation or job retention criterion. Certified businesses that fail to comply with this subsection shall be decertified for the tax exemption and shall repay the exempted taxes. The jobs created or retained must be documented through personnel records.

f) Five-Year Exemption Period. All certified businesses shall receive a five-year exemption from this 100 percent state utility tax exemption for a period of five years.

g) Additional Exemption Period for Certified Businesses. At the expiration of this initial five-year period, certified businesses may apply to the Department for renewals of the exemption for additional five-year time periods not to exceed the termination date of the Enterprise Zone. The Department shall grant an exemption to a certified business for an additional five-year period, at one hundred percent of state utility taxes provided that at the time of application for renewal:

1) Job Creation/Retention Criteria. The following job creation/retention criteria are met: In the case of a business certified pursuant to the job creation criterion of Section 520.1010, such business has retained a minimum of 200 full-time equivalent jobs in Illinois; or in the case of a business certified pursuant to the job retention criterion of Section 520.1010, such business has retained a minimum of 1,000 full-time jobs in Illinois. A majority of the "jobs retained" must be in the Enterprise Zone in which the eligible investment is made.

A) In the case of a business certified pursuant to the job creation criterion of Section 520.1010, such business has retained a minimum of 200 full-time equivalent jobs in Illinois.

B) In the case of a business certified pursuant to the job retention criterion of Section 520.1010, such business has:
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

i) Retained a minimum of 2,000 full-time jobs in Illinois; or

ii) Has made an eligible investment of $40 million resulting in the retention of 90% of the full-time jobs in place on the date on which the exemption is granted for the duration of the exemption.

C) A majority of the "jobs retained" must be in the Enterprise Zone in which the eligible investment is made.

2) Business is Located in an Enterprise Zone. Such business is located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act [20 ILCS 655](Ill. Rev. Stat. 1991, ch. 67 ½, pars. 601 et seq.).

3) Business Provides an Audited Financial Statement. Such business provides an audited Financial Statement, including balance sheets and income statements, audited according to generally accepted auditing standards by a public accountant certified in the State of Illinois as contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2001, no later editions are incorporated). In addition, the certified business firm's chief financial officer shall attest in writing that the certified business firm is not aware of a condition or occurrence that would result in a bankruptcy or closure.

4) Maximum Period of Exemption. This exemption shall not be allowed beyond the term of the certified Enterprise Zone. The total period of the exemption from the taxes imposed under the Act shall not exceed 20 years.

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART K: BUILDING MATERIAL SALES TAX EXEMPTION HIGH IMPACT SERVICE FACILITY MACHINERY AND EQUIPMENT SALES TAX EXEMPTION

Section 520.1100 General Definitions

The Building Material Sales Tax Exemption found in the Retailers' Occupation Tax Act [35 ILCS 120/5k and 5l] allows each retailer in Illinois who makes a sale of building materials to be incorporated into real estate in an Enterprise Zone (see 35 ILCS 120/5k) or a High Impact Business (see 35 ILCS 120/5l) to deduct the receipts from such sales when calculating the tax imposed by the Retailers' Occupation Tax Act. The specific terms and conditions governing this
The following definitions are applicable to Subpart K.


"Business enterprise", for purpose of determining whether the minimum eligible investment has been made at the High Impact Service Facility, means the taxpayer and any related corporation. For purposes of this definition, "related corporation" includes any wholly-owned subsidiary of the taxpayer, any corporation which wholly owns the taxpayer, or any corporation which is wholly-owned by the same common parent corporation as the taxpayer's.

"Contractually obligated" means the business enterprise has entered into a legally binding agreement with the Department to comply with Section 1i of the Retailers' Occupation Tax Act.

"Department" means the Department of Commerce and Community Affairs.

"Eligible investments" means investments in qualified property which:

- will be placed in service at a high impact service facility located in an enterprise zone. Qualified properties are statutorily defined in Sections 201(f) of the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 2-201(f)); or

- are noncapital/nonroutine investments, and associated service costs (direct labor or contractual fees), which will be placed in service at a high impact service facility located in an enterprise zone and made for the improvement or renovation of qualified properties. These activities are undertaken for the purposes of improving productive capacity, efficiency, product quality or competitive position, and cannot be repetitious, commonplace or associated with regular maintenance expenditures; or

- include motor driven heavy equipment, not considered rolling stock, used for transporting parcels, machinery or equipment, or are used to maintain and provide in-house services within the confines of the facility; and automated machinery and equipment used for the purposes of transporting
"Full-time employee" means a person, employed by the taxpayer or any wholly-owned subsidiary of the taxpayer, who works a minimum of 35 hours per week for 52 weeks for a minimum total of 1,820 hours per year. Vacations, paid holidays, and sick time are included in this computation. Overtime is not considered regular hours.

"Full-time equivalent job" means the number of employees required to equal one full-time employee employed at the High Impact Service Facility. For purposes of this definition, "employee" means a person employed by the taxpayer, any wholly-owned subsidiary of the taxpayer, any corporation which wholly owns the taxpayer, or any corporation which is wholly owned by the same common parent corporation as the taxpayer's, irrespective of the number of hours per week or number of weeks per year worked by such person.

"High impact service facility" means a facility used primarily for the sorting, handling and redistribution of single item non-fungible parcels received from agents or employees of the handler or shipper for processing at a common location and redistribution to other employees or agents for delivery to an ultimate destination on an item-by-item basis (Section 11 of the Act).

"Job creation" means at least 1,000 full-time equivalent employees have been hired in an enterprise zone over the number of full-time equivalent employees that were employed by the applicant in the enterprise zone as of July 1, 1989 or the date the enterprise zone was certified, whichever is later. Job titles being filled or refilled as a result of strikes cannot be computed as job creation.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function as defined in 26 CFR 1.46-3(d). Eligible investments as defined herein shall be considered placed in service on the earlier of:

the date the property is placed in a condition of readiness and availability for use; or

the date on which the depreciation period of that property begins.
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1110 Eligibility Criteria (Repealed)

The business enterprise must provide a written description of a spending plan and financial commitments for the proposed eligible investment that will demonstrate to the Department that the minimum eligible investment will be placed in service and the required number of jobs will be created within eight years following the date of certification. Such information must include a detailed "project by project" description, as well as the estimated eligible investment for each specific project that obligates the business enterprise to place in service the minimum eligible investment and create the required number of jobs.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1120 Form of Application (Repealed)

An application shall be submitted on the standard application form provided by the Department. An application shall include:

a) Investment Information—a description of the eligible investment with documentation to substantiate that the planned investment is eligible (e.g., balance sheets, construction schedules, schematics and specifications, or lists and cost of equipment purchased); and a spending plan and financial commitments demonstrating that the business enterprise will place the investment in service within eight years after certification;

b) Job Information—information on new employment that will result in the enterprise zone as a result of the investment which includes by job title(s) the number of employees; and an explanation of how and why the investment causes creation of full-time employees or full-time equivalent employees.

c) Certification—a signed and dated statement verifying that the data and information in the application is true and correct, that the Department shall be provided access to any material, documentation or other data required to verify application information, and a statement that the number of jobs created shall be maintained for the term of the exemption.

d) Legally Binding Agreement—a dated statement executed by the Chief Executive Officer of the business enterprise and the Director of the Department obligating the business enterprise to create 1,000 full-time or full-time equivalent jobs and place in service a minimum of $150,000,000 in qualified property at a high impact service facility located in an enterprise zone within eight years. The agreement shall state that should the business fail to place in service the eligible
investments in qualified property within eight years following certification, the business shall be decertified for the tax exemption and required to repay the exempted taxes, plus any penalties and interest as determined by the Department of Revenue. The agreement shall also state that the business shall submit quarterly progress reports describing the progress made toward the creation of 1,000 full-time or full-time equivalent jobs and the investment of $150,000,000 in qualified property at the high impact service facility, and that failure to do so shall result in termination of the exemption.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1130 Application and Approval Process (Repealed)

a) Applications shall be submitted to the Department, which shall approve or deny the application in writing within 30 days after receipt. The application shall be approved if it meets the requirements of Sections 520.1110 and 520.1120 and the applicant has submitted a spending plan and financial commitments for the proposed eligible investment. The applicant must sign a written agreement with the Department obligating the business to place in service the eligible investments in qualified property within eight years after the date of certification. Should the business fail to place in service the eligible investments in qualified property within eight years following certification, the business shall be decertified for the tax exemption and required to repay the exempted taxes. Should the business place in service eligible investments subsequent to decertification, the business may reapply to the Department for recertification. However, this reapplication must utilize the procedures set forth in Section 520.1120, and contain the same information as required pursuant to Section 520.1110.

b) When the Department denies an application, it shall specify in writing the reasons for denial and allow the applicant 15 days from the date of application denial to amend and resubmit the application. Resubmitted applications shall be approved or denied within 30 days after receipt.

e) Applicants determined eligible by the Department in accordance with Sections 520.1110 and 520.1120 shall be issued a Certificate of Eligibility for Exemption.

d) All certified businesses shall receive a 10-year exemption from the tax imposed by Section 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 441) on purchases of machinery and equipment used in the operation of a high impact service facility, as provided in Section 1j of the Retailers' Occupation Tax Act.

e) All certified businesses shall submit quarterly reports describing the progress
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

made toward the creation of 1,000 full-time or full-time equivalent jobs and the investment of $150,000,000 in qualified property at the high impact service facility.

f) At the expiration of this initial 10-year period, certified businesses may apply to the Department for a renewal of the exemption for an additional 10-year time period. The Department shall grant an exemption to a certified business for an additional 10-year period provided that at the time of publication for renewal:

1) Such business has created a minimum of 1,000 full-time or full-time equivalent jobs in Illinois.
3) Such business provides an audited Financial Statement, including balance sheets and income statements, audited according to generally accepted auditing standards by a public accountant certified in the State of Illinois. In addition, the firm's chief financial officer shall attest in writing that the firm is not aware of a condition or occurrence which would result in bankruptcy or closure.
4) The total period of the exemption from the taxes imposed under the Act shall not exceed 20 years.

(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1140 Use Tax Exemption (Repealed)


(Source: Repealed at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART L: JOBS TAX CREDIT

Section 520.1200 General

The Jobs Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(g)] allows a taxpayer conducting a trade or business in an Enterprise Zone, or a High Impact Business conducting business in a federally designated Foreign Trade Zone or Sub-Zone to be given a tax credit
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

against the tax imposed in Sections 201(a) and (b) of the Illinois Income Tax Act in the amount of $500 per eligible employee hired to work in the zone during the taxable year. The specific terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 2120).

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART M: DIVIDEND INCOME DEDUCTION

Section 520.1300 General

The Dividend Income Deduction found in the Illinois Income Tax Act [35 ILCS 5/20(b)(2)(K) and (L)] provides that taxpayers may deduct from their taxable income an amount equal to those dividends that were paid to them by a corporation that conducts substantially all of its operations in an Enterprise Zone (see 35 ILCS 5/203(b)(2)(K)) or a High Impact Business located in a federally designated Foreign Trade Zone or Sub-Zone (see 35 ILCS 5/203(b)(2)(L)). The specific terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 2480).

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART N: INTEREST INCOME DEDUCTION FOR FINANCIAL INSTITUTIONS

Section 520.1400 General

The Interest Income Deduction for Financial Institutions found in the Illinois Income Tax Act (see 35 ILCS 5/203(b)(2)(M) and (M-1)) allows any taxpayer that is a financial organization within the meaning of Section 304(c) of the Illinois Income Tax Act to deduct from their Illinois corporate income tax return an amount equal to the interest received from a loan for development in an Enterprise Zone (see 35 ILCS 5/203(b)(2)(M)) or for a High Impact Business located in a federally designated Foreign Trade Zone or Sub-Zone (see 35 ILCS 5/203(b)(2)(M-1)). The specific terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 100.2110).

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART O: TELECOMMUNICATIONS EXCISE TAX EXEMPTION ON ORIGINATING CALLS
Section 520.1500  General

The Telecommunications Excise Tax Exemption on Originating Calls found in the Telecommunications Excise Tax Act [35 ILCS 630/2(a)(5)] allows a business enterprise a State tax exemption on the Illinois Commerce Commission's 0.1% administrative charge and excise taxes on the act or privilege of originating or receiving telecommunications as long as the business is located in an Enterprise Zone or is a High Impact Business located in a federally designated Foreign Trade Zone or Sub-Zone. The Machinery and Equipment/Pollution Control Facilities Sales Tax Exemption found in the Retailers' Occupation Tax Act [35 ILCS 120/1d-1f] allows a business enterprise that is certified by the Department a State sales tax exemption on all tangible personal property which is used or consumed within an Enterprise Zone in the process of manufacturing or assembly of tangible personal property for wholesale or retail sale or lease. This exemption includes repair and replacement parts for machinery and equipment used primarily in the wholesale or retail sale or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of manufacturing or assembling machinery or equipment. The specific terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 510.131 and 86 Ill. Adm. Code 130.1951).

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

SUBPART P:  HIGH IMPACT SERVICE FACILITY MACHINERY AND EQUIPMENT SALES TAX EXEMPTION

Section 520.1600  Definitions

The following definitions are applicable to Subpart P.

"Act" means Sections 1i and 1j of the Retailers' Occupation Tax Act [35 ILCS 120/1i and 1j].

"Business enterprise", for the purpose of determining whether the minimum eligible investment has been made at the High Impact Service Facility, means the taxpayer and any related corporation. For purposes of this definition, related corporation includes any wholly-owned subsidiary of the taxpayer, any corporation that wholly owns the taxpayer, or any corporation that is wholly-owned by the same common parent corporation as the taxpayer.

"Business enterprise project" means a facility used primarily for the sorting,
handling and redistribution of mail, freight, cargo or other parcels received from agents or employees of the handler or shipper for processing at a common location and redistribution to other employees or agents for delivery to an ultimate destination on an item-by-item basis, and that consists of an investment of $100 million or more and will cause the creation of 750 or more jobs in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act and certified by the Department.

"Contractually obligated" means the business enterprise has entered into a legally binding agreement with the Department to comply with Section 1i of the Retailers' Occupation Tax Act.

"Department" means the Department of Commerce and Community Affairs.

"Eligible investment" means:

Investments in qualified property that will be placed in service at a High Impact Service Facility located in an Enterprise Zone. Qualified properties are statutorily defined in Section 201(f) and (h) of the Illinois Income Tax Act [35 ILCS 5/201(f) and (h)]; or

Noncapital/nonroutine investments, and associated service costs (direct labor or contractual fees), that will be placed in service at a High Impact Service Facility located in an Enterprise Zone and made for the improvement or renovation of qualified properties. These activities are undertaken for the purposes of improving productive capacity, efficiency, product quality, or competitive position, and cannot be repetitious, commonplace, or associated with regular maintenance expenditures; or

Includes motor driven heavy equipment, not considered rolling stock, used for transporting parcels, machinery, or equipment, or is used to maintain and provide in-house services within the confines of the facility; and automated machinery and equipment used for the purposes of transporting parcels within the facility, along with all components contained in the electronic control systems.

"Full-time employee" means a person, employed by the taxpayer or any wholly-owned subsidiary of the taxpayer, who works a minimum of 35 hours per week for 52 weeks for a minimum total of 1,820 hours per year. Vacations, paid
holidays, and sick time are included in this computation. Overtime is not considered a part of regular hours.

"Full-time equivalent job" means the number of employees required to equal one full-time employee employed at the High Impact Service Facility. For purposes of this definition, employee means a person employed by the taxpayer, any wholly-owned subsidiary of the taxpayer, any corporation that wholly owns the taxpayer, or any corporation that is wholly-owned by the same common parent corporation as the taxpayer, irrespective of the number of hours per week or number of weeks per year worked by such person.

"High Impact Service Facility" means a facility used primarily for the sorting, handling, and redistribution of mail, freight, cargo, or other parcels received from agents or employees of the handler or shipper for processing at a common location and redistribution to other employees or agents for delivery to an ultimate destination on an item-by-item basis [35 ILCS 120/ii].

"Job creation" means at least 750 or more full-time equivalent employees have been hired in an Enterprise Zone over the number of full-time equivalent employees that were employed by the applicant in the Enterprise Zone as of July 1, 1989 or the date the Enterprise Zone was certified, whichever is later. Job titles being filled or refilled as a result of strikes or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function as defined in 26 CFR 1.167(a)-11, Code of Federal Regulations Vol. 2, April 1, 2001. An eligible investment, as defined in this Section, shall be considered placed in service on the earlier of:

The date the property is placed in a condition of readiness and availability for use; or

The date on which the depreciation period of that property begins.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1610  Eligibility Criteria

The business enterprise must provide a written description of a spending plan and financial
commitments for the proposed eligible investment that will demonstrate to the Department that the minimum eligible investment will be placed in service and the required number of jobs will be created within eight years following the date of certification. Such information must include a detailed "project by project" description, as well as the estimated eligible investment for each specific project that obligates the business enterprise to place in service the minimum eligible investment and create the required number of jobs.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1620  Form of Application

An application shall be submitted on the standard application form provided by the Department. An application shall include:

a) **Investment Information.** A description of the eligible investment with documentation to substantiate that the planned investment is eligible (e.g., balance sheets, construction schedules, schematics, and specifications, or lists and the cost of equipment purchased); and a spending plan and financial commitments demonstrating that the business enterprise will place the investment in service within eight years after certification.

b) **Job Information.** Information on new employment that will occur in the Enterprise Zone as a result of the investment, which includes, by job titles, the number of employees; and an explanation of how and why the investment causes the creation of full-time employees or full-time equivalent employees.

c) **Certification.** A signed and dated statement indicating that the data and information in the application is true and correct, that the Department shall be provided access to any material, documentation, or other data required to verify application information, and a statement that the number of jobs created shall be maintained for the term of the exemption, otherwise the Department will be notified and the exemption terminated.

d) **Legally Binding Agreement.** A dated statement executed by the Chief Executive Officer of the business enterprise and the Director of the Department obligating the business enterprise to create 750 or more full-time or full-time equivalent jobs and place in service a minimum of $100 million in qualified property at a High Impact Service Facility located in an Enterprise Zone within eight years. The agreement shall state that should the business fail to place in service the eligible investment in qualified property within eight years following certification, the business shall be decertified for the tax exemption and required to repay the exempted taxes, plus any penalties and interest as determined by the Department of Revenue. The agreement shall also state that the business shall submit quarterly
progress reports describing the progress made toward the creation of 750 or more full-time or full-time equivalent jobs and the investment of $100 million in qualified property at the High Impact Service Facility, and that failure to do so shall result in termination of the exemption.

e) The Chief Executive Officer of the business enterprise must sign and immediately return to the Department a Company Tax Certification form that states that the business enterprise is in good standing, authorized to do business in Illinois and has no delinquent tax liabilities.

f) The business enterprise further authorizes the Department to seek a tax clearance letter from the Illinois Department of Revenue and authorizes the Department of Revenue to provide such letter stating whether the records of the Department of Revenue show that the business enterprise is in compliance with all tax Acts administered by the Department of Revenue and to which the business enterprise is subject.

g) The business enterprise also certifies that no tax liens, including, but not limited to, municipal, county, State or federal liens, have been filed against the business enterprise or majority shareholders of the business enterprise, or in the name of related business owned by the applicant.

h) The business enterprise certifies that all the information contained in the application, including the documentation, is true to the best of his/her knowledge and belief.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1630 Application Approval Process

a) Application Approval Requirements. Applications shall be submitted to the Department, which shall approve or deny the application in writing within 60 days after receipt. The application shall be approved if it meets the requirements of Sections 520.1610 and 520.1620 and the applicant has submitted a spending plan and financial commitments for the proposed eligible investment. The applicant must sign a written agreement with the Department obligating the business to place in service the eligible investment in qualified property within five years after the date of certification. Should the business fail to place in service the eligible investment in qualified property within five years following certification, the business shall be decertified for the tax exemption and required to repay the exempted taxes. Should the business place in service eligible investment subsequent to decertification, the business may reapply to the Department for recertification. However, this reapplication must utilize the
b) Application Denial Requirements. When the Department denies an application, it shall specify in writing the reasons for denial and allow the applicant 15 days from the date of application denial to amend and resubmit the application. Resubmitted applications shall be approved or denied within 30 days after receipt.

c) Certificate of Eligibility for Exemption. Applicants determined eligible by the Department in accordance with Sections 520.1610 and 520.1620 will be issued a Certificate of Eligibility for Exemption.

d) 10-Year Exemption Period. All certified businesses shall receive a 10-year exemption from the tax imposed by Section 2 of the Retailers' Occupation Tax Act on purchases of machinery and equipment used in the operation of a high impact service facility, as provided in Section 1j of the Retailers' Occupation Tax Act, and on purchases of jet fuel and petroleum products sold to and used in the conduct of its business of sorting, handling and redistribution of mail, freight, cargo or other parcels in the operation of a high impact service facility, defined in Section 1j of the Retailers' Occupation Tax Act.

e) Quarterly Reports Required. All certified businesses shall submit quarterly reports describing the progress made toward the creation of 750 or more full-time or full-time equivalent jobs, and the investment of $100 million in qualified property at the High Impact Service Facility.

f) Additional Exemption Period. At the expiration of this initial 10-year period, certified businesses may apply to the Department for a renewal of the exemption for an additional 10-year time period. The Department shall grant an exemption to a certified business for an additional 10-year period provided that at the time of application for renewal:

1) Minimum Jobs Created. The business has created a minimum of 750 or more full-time or full-time equivalent jobs at a High Impact Service Facility in Illinois.

2) Business is Located in an Enterprise Zone. The business is located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act [20 ILCS 655].

3) Business Provides an Audited Financial Statement. The business provides a financial statement, including balance sheets and income statements, audited according to generally accepted auditing standards by a public accountant certified in the State of Illinois as contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2001, no later editions are incorporated). In
addition, the certified business chief financial officer shall attest in writing that the certified business is not aware of a condition or occurrence that would result in a bankruptcy or closure.

4) Maximum Period of Exemption. This exemption shall not be allowed beyond the term of the certified Enterprise Zone.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1640 Use Tax Exemption

Pursuant to Section 12 of the Use Tax Act [35 ILCS 105/12], each facility certified under this Subpart P is also eligible for the use tax exemption described in the Use Tax Act.

a) Certificate for purchase of machinery and equipment. The certificate of eligibility for the exemption of a High Impact Service Facility under Section 1j of the Retailers' Occupation Tax Act (ROTA) [35 ILCS 120/1j] shall be presented to its supplier when making the initial purchase of machinery and equipment to be used in operation of the High Impact Service Facility project.

b) Certification for purchase of jet fuel and petroleum products. The certificate of eligibility for the exemption of a High Impact Service Facility under Section 1j of ROTA shall be presented to its supplier when making the initial purchase of jet fuel and petroleum products to be used in the conduct of its business of sorting, handling and redistribution of mail, freight, cargo or other parcels in the operation of a High Impact Service Facility project.

c) Exceptions. Pursuant to Section 1j of ROTA, High Impact Service Facilities qualifying under the Retailers' Occupation Tax Act and seeking the exemption under Section 1j shall be ineligible for the exemptions of taxes imposed under Section 9-222.1 of the Public Utilities Act [220 ILCS 5/9-222.1]. High Impact Service Facilities qualifying under the Act and seeking the exemption under Section 9-222.1 of the Public Utilities Act shall be ineligible for the exemptions as described in Section 1j of ROTA.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)

Section 520.1650 Revocation of the High Impact Service Facility Designation

a) If it is later determined after a reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act [5 ILCS 100] that a business would have placed in service in qualified property the minimum eligible investment and created the requisite number of jobs without the benefits of High Impact Service Facility designation, the Department shall contact the Director of
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

the Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes with interest as allowed by law. The business shall also be ineligible for all State funded Department programs for a period of 10 years. Proof that the business would have made the investment without the benefit of the designation shall include, but is not limited to, correspondence, financial plans and prospectuses, internal memoranda and other written documentation demonstrating the business would have made the eligible investment without the designation.

b) The Department shall revoke a High Impact Service Facility designation if the business fails to make the minimum eligible qualified investment and create the requisite number of jobs as stipulated in the terms and conditions of the certification. The Department shall immediately notify the Director of the Department of Revenue and request he begin proceedings to recover wrongfully exempted taxes with interest as allowed by law under the provisions of 35 ILCS 120/4 and 5.

c) The Department shall revoke a High Impact Service Facility designation if it is determined upon investigation that the business falsified application information in violation of Section 520.1620(d).

d) The Department shall notify a business designated as a high impact service facility in writing that it is subject to revocation in accordance with Section 520.1640(c). The notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 56 Ill. Adm. Code 2605 (Administrative Hearing Rules).

e) Following revocation in accordance with Section 520.1640(c), the Department will contact the Director of the Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes with interest as allowed by law.

f) Any business enterprise project whose High Impact Service Facility designation is revoked shall be ineligible for all State funded Department programs for 10 years.

(Source: Added at 27 Ill. Reg. 3282, effective February 14, 2003)
## NOTICE OF ADOPTED AMENDMENTS

1) **The heading of the Part:** Fire Prevention and Safety

2) **Code Citation:** 41 Ill. Adm. Code 100

3) **Section Numbers:**

   - **Adopted Action:**
     - 100.7 Amendment

4) **Statutory Authority:** Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9]

5) **Effective Date of Amendments:** April 1, 2003

6) **Does this rulemaking contain an automatic repeal date?** No.

7) **Does this amendment contain incorporations by reference?** No.

8) **Date filed in the Agency's principal office:** February 13, 2003


10) **Has JCAR issued a statement of Objection to these rules?** 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?** Yes.

13) **Will this Amendment replace an Emergency Amendment currently in effect?** No.

14) **Are there any other amendments pending on this Part?** No

15) **Summary and purpose of Amendment:** This amendment requires that when a fire alarm is required on a permanently moored vessel, or within the areas of an adjacent vessel or structure through which occupants of a permanently moored vessel must exit, the alarms in the permanently moored vessel and the adjacent occupancies must be interconnected to simultaneously sound when any one alarm is activated.
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted amendment shall be directed to:

   Jack Ahern
   Office of the State Fire Marshal
   1035 Stevenson Dr.
   Springfield, IL 62703-4259

   The full text of the Adopted Amendment begins on the next page:
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 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].


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


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) is on file with the Office of the State Fire Marshal at the 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;
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

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 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

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
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

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 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 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


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


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

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.

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.

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.

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.

Inspection and Examination of Permanently Moored Vessels
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

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 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
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

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.

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. 3360, effective April 1, 2003)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

1) **Heading of the Part:** Injurious Species

2) **Code Citation:** 17 Ill. Adm. Code 805

3) **Section Numbers:**

   - 805.10 New Section
   - 805.20 New Section
   - 805.30 New Section
   - 805.40 New Section
   - 805.50 New Section

4) **Statutory Authority:** Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 5/1-150, 5/5-10, 5/10-100, 5/20-90, and 5/20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 5/1.10, 5/2.2, 5/2.3 and 5/3.22].

5) **Effective Date of Rules:** February 14, 2003

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 rules, including all material incorporated by reference is on file in the Department of Natural Resource’s principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** November 15, 2002, 27 Ill. Reg. 16702

10) **Has JCAR issued a Statement of Objections to these rules?** No

11) **Differences between proposal and final version:**

   - 805.10 – change "determined by the Department of Natural Resources" to "as listed in this Part.

   - 805.40(a)(2)(H) – after "Department" add ", e.g., purpose of research, supplier of animals, disposition of animals and federal permit, if required."

   - 805.40(b)(2) – change "escapement" to "the escape"
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 rule currently in effect? Yes

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<th>Emergency Action</th>
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<tr>
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<td>New Section</td>
<td>26 Ill. Reg. 14878; 10/11/02</td>
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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was proposed to expand the listing of species considered injurious to include those organisms listed on the federal Lacey Act. This Part will clarify several existing lists by relocating those contained in 17 Ill. Adm. Code 810 and 870 into this Part and will provide direct citations for law enforcement purposes.

16) Information and questions regarding these adopted amendments shall be directed to:

Karen Jacobs
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the Adopted Rules begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 805
INJURIOUS SPECIES

Section 805.10 Definition
Injurious Species are defined as those species listed in 50 CFR 16.11-15; except fish, eggs, or gametes of the family Salmonidae; and any other species as listed in this Part, based upon the potential threat to indigenous wildlife, aquatic life, or the habitat. For the purposes of this Part, Injurious Species shall include any live specimens, progeny thereof, viable eggs, or gametes.

Section 805.20 Listing of Injurious Species

a) Wild Mammals

*Flying fox or fruit bat of the genus Pteropus

*Mongoose or meerkat of the genera Atilax, Cynictis, Helogale, Heroestes

*Ichneumia, Munzos, and Suricata
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

*Any species of European rabbit of the genus Oryctolagus

*Any species of Indian wild dog, red dog, or dhole of the genus Cuon

*Any species of multimammate rat or mouse of the genus Mastomys

*Raccoon dog, Nyctereutes procyonoides

b) Wild Birds

*Pink starling or rosy pastor, Sturnus roseus

*Dioch, Quelea quelea, including its black-fronted, red-billed or Sudan subspecies

*Java sparrow, Padda oryzivora

*Red-whiskered bul-bul, Pycnonotus jocosus

*Eggs of wild nongame birds

c) Fish, Mollusks and Crustaceans

*Snakeheads (including, but not limited to, all fishes of the genera Channa and Parachanna, and others of the family Channidae)

*Fish or viable eggs of the walking catfish, Clariidae family

*Mollusks, veligers or viable eggs of zebra mussels, genus Dreissena

*Crustaceans or viable eggs of mitten crabs, genus Eriocheir

River ruffe (Gymnocephalus cernuus)

*Black carp (Mylopharyngodon piceus)

Gobies (round, tubenose) (Neogobius melanostomus, Proterorhinus marmoratus)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Rusty crayfish (Orconectes rusticus). Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.
Rudd (Scardinius erythrophthalmus)

d) Amphibians

None

e) Reptiles

*Specimens or eggs of the brown tree snake, Boiga irregularis

NOTE: Species noted by an asterisk (*) are federally listed.

Section 805.30 Unlawful Acts

a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part.

b) Injurious species shall not be released. Release of injurious species is a violation of Section 10-100 and/or Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 or 20-90] or Section 2.2 of the Wildlife Code [520 ILCS 5/2.2].

c) Possession of federally listed injurious species shall also be in accordance with the provisions of the Lacey Act (18 USC 42) and 50 CFR 16 (no incorporation in this Part includes later amendments or editions).

Section 805.40 Permits

a) Application Requirements

Permits to transport/possess injurious species may be issued by the Department of Natural Resources in accordance with Section 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/20-100] and Section 2.2 or 3.22 of the Wildlife Code [520 ILCS 5/2.2 or 3.22], for zoological, educational, medical, or scientific purposes, under the following provisions:

1) Educational, medical or research institutions, or zoological exhibitions wishing to transport/possess injurious species must make application to
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

the Department in writing, on forms provided by the Department, at the following address:

Illinois Department of Natural Resources
Office of Resource Conservation
One Natural Resources Way
Springfield IL 62702-1271

2) Applications must contain the following minimum information:
   A) Name and address of educational, medical or research institution, or zoological exhibition;
   B) Name, address, and position of person making application;
   C) Number of specimens and the common and scientific names of each species for which permit is requested;
   D) Explanation of the exhibition, or educational, medical or research project necessitating need for injurious species permit;
   E) A statement of the applicant’s qualifications and previous experience in caring for and handling captive wildlife or aquatic life;
   F) Time period for which permit is requested;
   G) Location and description of facilities in which species will be kept; and
   H) Any other information as requested by the Department, e.g., purpose of research, supplier of animals, disposition of animals and federal permit, if required.

b) Issuance Criteria
The Department shall consider the following in determining whether to issue a permit to transport/possess injurious species for zoological, educational, medical, or scientific purposes:
1) Whether the request is for a bonafide educational, medical, research or zoological exhibition purpose;
2) Whether the facilities for holding the specimens have been inspected and approved by the Department prior to issuance of an injurious species permit. Facilities must be constructed and maintained to prevent the escape of all life stages of the specimens;
3) Whether the applicant is aware of the potential dangers to public interest posed by the injurious species; and who, by reason of his/her knowledge, experience, and facilities, can be expected to provide adequate protection to the public interests; and
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

4) If permit application is for zoological exhibition purposes, whether the exhibit or display will be open to the public during regular, appropriate hours.

c) Permit Conditions

Permits issued for the transportation/possession of injurious species shall be subject to the following conditions:

1) All specimens and progeny thereof approved under the permit must be confined in the facilities and at the location approved on the permit.

2) Disposition of the specimens (including conditions under which they may be sold, traded, bartered or transferred to another permitted exhibition or institution) shall be as designated by the Department.

3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit.

4) All permit holders shall file with the Department, no later than 30 days after the expiration of the permit, a report documenting disposition of all specimens.

5) In the event of escape or unintentional release of specimens, or progeny thereof, authorized under the permit, permittees shall notify the Department by telephone (1-877-236-7529, toll-free) or other expedient means within 24 hours following the escape unless specifically exempted by the Department in writing.

6) Before any person shall import/export any federally listed injurious species, a permit must first be obtained in accordance with the provisions of 50 CFR 16.22.

Section 805.50 Penalties

a) Violations of Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/20-90] and associated administrative rules are business offenses, punishable by a fine of not less than $1,000 or more than $5,000.

b) Violations of Sections 10-100 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 and 20-100], and Sections 2.2 and 3.22 of the Wildlife Code [520 ILCS 5/2.2 and 3.22] are petty offenses, punishable by a fine of up to $1,000.

c) Any violations of the Fish and Aquatic Life Code [515 ILCS 5], Wildlife Code [520 ILCS 5], or administrative rules of the Department may result in the revocation of licenses and permits, and the suspension of privileges pursuant to 17 Ill. Adm. Code 2530.
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

1) **Heading of the Part:** Sport Fishing Regulations for the Waters of Illinois

2) **Code Citation:** 17 Ill. Adm. Code 810

3) **Section Numbers:**
   - 810.35 Amendment
   - 810.37 Amendment
   - 810.45 Amendment
   - 810.50 Amendment
   - 810.70 Amendment

4) **Statutory Authority:** Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

5) **Effective Date of Amendments:** February 14, 2003

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 amendments, including all material incorporated by reference is on file in the Department of Natural Resource’s principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** November 15, 2002, 27 Ill. Reg. 16709

10) **Has JCAR issued a Statement of Objections to these rules?** No

13) **Differences between proposal and final version:**

   Section 810.37(b) – strike "process" added "possess"

   Section 810.37(b) – strike "7" add "10"

   Section 810.45:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Argyle Lake – Bluegill or Redear Sunfish, strike "10" add "25"
Dawson Lake – Bluegill or Redear Sunfish, strike "25" and add "15"

Franklin Creek – strike "(9)"

Kickapoo State Park – strike "Ponds" add "Pond"

Kishwaukee River – strike "Recreational Use Restrictions" and ",-All live bait in excess of 8" must be rigged with a quick set rig (43)" and add "Smallmouth Bass" and "-14" Minimum Length Limit"

Lyerla Lake – All Fish, add "(5)" after "(1)"

Middle Fork Forest Preserve Ponds, strike "Ponds" add "Pond"

Sam Dale Lake- All Fish add "(5)" after "(1)"

14) 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 rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to update sport fishing regulations and definitions for site specific sport fishing regulations; identify amendments being made to site-specific water area regulations; amend the bait fishing regulations to reflect the proposal of a new Administrative Rule 805 – Injurious Species; and add the Free Fishing Days for 2003.

16) Information and questions regarding these adopted amendments shall be directed to:

Karen Jacobs
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 RULES

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section
810.10 Sale of Fish and Fishing Seasons
810.20 Snagging
810.30 Pole and Line Fishing Only (Repealed)
810.35 Statewide Sportfishing Regulations – Daily Catch and Size Limits
810.37 Definitions for Site Specific Sportfishing Regulations
810.40 Daily Catch and Size Limits (Repealed)
810.45 Site Specific Water Area Regulations
810.50 Bait Fishing
810.60 Bullfrogs (Repealed)
810.70 Free Fishing Days
810.80 Emergency Protective Regulations
810.90 Fishing Tournament Permit
810.100 Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

Section 810.35 Statewide Sportfishing Regulations – Daily Catch and Size Limits

a) Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with the mouth of the fish closed and the tail lobes pressed together.

b) No fish species may be dressed (fileted or head and tail removed) on any waters to which length or bag limits are applicable. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed while taking from, or on, any waters to which length or bag limits and/or daily catch limits apply. While taking from areas designated as "Catch and Release Only", all catch and release species must be immediately released back into the waters from which taken.

c) Statewide limits by type of fish:

1) CHANNEL CATFISH
   There are no daily catch or size limits except in those waters listed under Site Specific Regulations.

2) LARGEMOUTH BASS, SMALLMOUTH BASS, SPOTTED BASS
   Daily catch limit is 6 bass, either singly or in the aggregate, except as specified under Site Specific Regulations. In streams and rivers (excluding the mainstem of the Mississippi, Ohio and Wabash Rivers) the daily creel can contain no more than 3 smallmouth bass. In streams and tributaries statewide, except for the Mississippi, Ohio, Wabash and Illinois Rivers, all smallmouth bass must be immediately released between April 1 and June 15. There is no statewide size limit.

3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS
   A) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 36 inches in total length or longer, except as specified under Site Specific Regulations.
   B) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate, may be taken per day, except as specified under Site Specific Regulations.
   C) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River and Ohio River where there is no size limit.
   D) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.

4) CRAPPIE (WHITE, BLACK OR HYBRID CRAPPIE)
   There are no catch or size limits except in those waters listed under Site Specific Regulations.
5) BLUEGILL AND REDEAR SUNFISH
There are no catch or size limits except in those waters listed under Site Specific Regulations.

6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS, YELLOW BASS AND HYBRIDS
There are no daily catch limits or minimum size limits for striped bass (ocean rockfish), white bass, yellow bass and their hybrids, which are less than 17 inches in total length, except in those waters listed under Site Specific Regulations. For these fish 17 inches in total length or longer, the daily limit is 3 fish, either singly or in the aggregate, except in the Mississippi River between Illinois and Missouri where there is a 30 fish daily creel limit for all striped, white, yellow or hybrid striped bass. In the Mississippi River between Illinois and Iowa, there is a 25 fish daily creel or size limits on striped bass, white bass, yellow bass and their hybrids, either singly or in the aggregate.

7) TROUT AND SALMON
Daily catch limit is 5 trout or salmon, either singly or in the aggregate.

8) WALLEYE, SAUGER OR THEIR HYBRID
A) All walleye, sauger, or their hybrid taken must be 14 inches in total length or longer, except in the Mississippi River, Ohio River, Wabash River, or as specified under Site Specific Regulations.
B) Daily catch limit is 6 walleye, sauger or their hybrid, either singly or in the aggregate, except in those waters listed under Site Specific Regulations.

9) INJURIOUS SPECIES
For injurious species, as described in 17 Ill. Adm. Code 805, there are no catch or size limits. Possession of live specimens, progeny thereof, viable eggs, or gametes is prohibited.

9) RIVER RUFFE
There are no catch or size limits. Possession of living river ruffe is prohibited.

10) GOBIES (ROUND, TUBENOSE)
There are no catch or size limits. Possession of living gobies is prohibited.

11) RUSTY CRAYFISH
Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

12) RUDD
There are no catch or size limits. Possession of living rudd is prohibited.
Section 810.37 Definitions for Site Specific Sportfishing Regulations

a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area or site may extend beyond the counties listed. The counties listed refer to the location of the dam or outfall for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.

b) The subsections listed below are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parenthesis which explain all of the definitions in this Section which apply to that water area.

1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold.

2) All jugs set in a body of water shall be under the immediate supervision of the fisherman. Immediate supervision shall be defined as the fisherman being on the water where the jugs are set and readily available to identify jugs to law enforcement officers.

3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length.

4) Except that sport fishermen shall be allowed to use trotlines, jugs, and by hand, except that the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.

5) Except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin and suckers by pitchfork, gigs, bow and arrow or bow and arrow
Attention to devices.

6) Including the Fox River south of the Illinois-Wisconsin line to the McHenry Dam.

7) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gibs or spears during May and June.

8) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass either singly or in the aggregate.

9) Catch and Release Fishing Only means that fish (all or identified species) caught must be immediately released alive and in good condition back into the water from which it came.

10) It shall be illegal to possess trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period.

11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the 1st Saturday in April (both dates inclusive) which were taken during that period.

12) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which shall be greater than 15 inches in length and none of which shall be greater than 12 inches and less than or equal to 15 inches in length.

13) Except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.

14) Daily catch limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.

   A) Largemouth or Smallmouth Bass
   B) Walleye, Sauger, or their hybrid
   C) Bluegill, or Redear Sunfish or Pumpkinseed
   D) Channel or Blue Catfish

15) Daily catch limit includes white, black, or hybrid crappie either singly or in the aggregate.

16) Daily catch limit includes Striped Bass, White Bass and Hybrid Striped Bass either singly or in the aggregate.

17) Daily catch limit shall not exceed 10 fish daily, no more than 3 of which may be 17 inches or longer in length.

18) Except that sport fishermen shall be allowed to use trotlines, jugs and bank poles; and carp, carpsuckers and buffalo may be taken by bow and arrow,
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

bow and arrow devices, gags and spears in the portions of the lake that lie north of the Davenport Bridge and northeast of the Parnell Bridge.

19) No fishing within 250 yards of an occupied waterfowl blind (within the hunting area) on all Department-owned or -managed sites.

20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up the U.S. Army Corps of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties.

21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries – including parts of the Lake Shelbyville Fish and Wildlife Management Area), U.S. Army Corps of Engineers, Shelby and Moultrie Counties. Does not include the tailwater.

22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties.

23) Daily catch limit for black, white or hybrid crappies, singly or in the aggregate, shall not exceed 20 fish daily, no more than 10 of which can be below 10" in total length and not more than 10 of which can be 10" or longer in total length. Lake Vermillion and the portions of the North Fork of the Vermillion River between the Lake Vermillion Dam and the Interstate Water Company’s Pump Station Spillway, Vermillion County Conservation District, Vermillion County.

24) 10 Fish Daily Creel Limit of which no more than 6 may be walleye.

25) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 15 inches in total length.

26) Lake Vermilion – Trot line and jug finishing allowed north of Boiling Springs Road.

27) Except that bank fishing is prohibited. Boat fishing is permitted May 1 through August 31 during the hours of 2:00 p.m. to 8:00 p.m. See site for additional regulations and exact opening and closing dates.

28) Except that trotlines may be set within 300 feet from shore.

29) Except that carp, buffalo, suckers and carpsuckers may be taken by means of pitchfork and gags (no bow and arrow devices).

30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the
year is illegal and not permitted.

31) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 12 inches in total length.

32) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass, either singly or in the aggregate, no more than 4 of which may be 15 inches or longer in length.

33) It shall be unlawful to enter upon a designated waterfowl hunting area during the 7 days prior to the regular duck season, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular duck season through the end of duck and Canada goose season.

34) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs, or spears from May 1 through August 31.

35) Daily catch limit for Walleye, Sauger, or Hybrid Walleye, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be greater than 24 inches in total length and no more than 2 of which may be less than 18 inches in total length and greater than or equal to 14 inches in total length.

36) Except that sportfishermen may not use a minnow seine, cast net, or shad scoop for bait collecting in Cook County Forest Preserve District Waters (except in the Des Plaines River).

37) All smallmouth bass taken must be less than 12 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 2 bass less than 12 inches may be taken in the creel daily.

38) All largemouth and smallmouth bass taken must be less than 14 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 5 bass less than 14 inches may be taken in the creel daily.

39) Powerton Lake shall be closed to boat traffic, except for legal waterfowl hunters, from one week prior to regular waterfowl season to February 15, and closed to all unauthorized entry during the regular goose and duck season.

40) The 48 inch total length limit on pure muskellunge applies to that body of water listed as well any tailwaters as defined below:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Evergreen Lake (McLean County) – including the portion of Six Mile Creek below the Evergreen Lake Dam downstream to its confluence with the Mackinaw River.

Fox Chain O' Lakes (Lake/McHenry Counties) – including those portions of the Fox River below the McHenry Dam downstream to the Route 176 Bridge and upstream to the Wisconsin-Illinois State line.

Kinkaid Lake (Jackson County) – including the portion of Kinkaid Creek below the Kinkaid Lake Dam downstream to the Route 149 Bridge.

Lake Shelbyville (Moultrie/Shelby Counties) – including the portion of the Kaskaskia River below the Lake Shelbyville Dam downstream to the State Route 128 Road Bridge near Cowden.

Lake Vermillion (Vermillion County) including the portion of the North Fork of the Vermillion River below the Lake Vermillion Dam downstream to its confluence with the Vermillion River.

Otter Lake (Macoupin County) – including the portion of Otter Creek below Otter Lake Dam downstream to its confluence with East Otter Creek.

Pierce Lake (Winnebago County) – including the portion of Willow Creek below the Pierce Lake Dam downstream to Forest Hills Road.

Shabbona Lake (DeKalb County) – including that portion of Indian Creek below the Shabbona Lake Dam downstream to Shabbona Grove Road.

Spring Lakes (North and South) (Tazewell County) – no tailwaters.

41) It shall be unlawful to enter upon areas designated as waterfowl hunting areas during the 107 days prior to the start of the regular duck season, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 10 days prior to the start of the regular duck season through the end of duck and Canada goose season.

42) During duck season, walk-in only access for fishing from the bank is permitted after 1:00 p.m.

43) When using live bait, all live bait in excess of 8" in total length shall be
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

rigged with a quick set rig. The hook shall be immediately set upon the strike. A quick set rig is defined as follows: a live bait rig with up to 2 treble hooks attached anywhere on the live bait; single hooks are prohibited. This rule does not apply to trotlines, jug lines, etc., if allowed on the lake.

(Source: Amended at 27 Ill. Reg. 3376, effective February 14, 2003)

Section 810.45 Site Specific Water Area Regulations
Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Anderson Lake Fish and Wildlife Area (33)
Fulton County

Andover Lake, City of Andover
Henry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Apple River
Jo Daviess County
Trout - Spring Closed Season (11)

Apple River and tributaries, State of Illinois Basin—Special Management Zone (within the boundaries of Apple River Canyon State Park, including tributaries)
Jo Daviess County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14” Minimum Length Limit
Trout - Spring Closed Season (11)

Argyle Lake, Argyle Lake State Park
McDonough County
Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1)
ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Hybrid Walleye - 3 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish more than 15" and/or 5 less than 12" Daily (12)
Trout - Fall Closed Season (10)
White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 9" Minimum Length Limit

Arrowhead Heights Lake, Village of Camp Point
Adams County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Arrowhead Lake, City of Johnston City
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Ashland City Old Reservoir #4611, City of Ashland
Morgan County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Ashland City Reservoir, City of Ashland
Cass County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Ashley Reservoir, City of Ashley
Washington County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Auburn Park Lagoon, Chicago Park District
Cook County
## DEPARTMENT OF NATURAL RESOURCES

### NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Location</th>
<th>Region</th>
<th>Fishing Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All Fish</strong></td>
<td>2 Pole and Line Fishing Only (1)</td>
<td></td>
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<tr>
<td><strong>Channel Catfish</strong></td>
<td>6 Fish Daily Creel Limit</td>
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</tbody>
</table>

**Axehead Lake, Cook County Forest Preserve**

- **Cook County**
  - **All Fish**: 2 Pole and Line Fishing Only (1)
  - **Channel Catfish**: 6 Fish Daily Creel Limit
  - **Large or Smallmouth Bass**: 14" Minimum Length Limit
  - **Trout**: Fall Closed Season (10)
  - **Trout**: Spring Closed Season (11)

**Baker Lake, City of Peru**

- **LaSalle County**
  - **All Fish**: 2 Pole and Line Fishing Only (1)
  - **Bluegill or Redear Sunfish (14)**: 10 Fish Daily Creel Limit
  - **Channel Catfish**: 6 Fish Daily Creel Limit
  - **Large or Smallmouth Bass**: 14" Minimum Length Limit
  - **Large or Smallmouth Bass (14)**: 1 Fish Daily Creel Limit

**Baldwin Lake, Baldwin Lake Conservation Area**

- **Randolph County**
  - **All Fish**: 2 Pole and Line Fishing Only (1)
  - **Large or Smallmouth Bass**: 18" Minimum Length Limit
  - **Striped, White, or Hybrid Striped Bass**: 17" Minimum Length Limit
  - **Striped, White, or Hybrid Striped Bass (16)**: 3 Fish Daily Creel Limit
  - **White, Black, or Hybrid Crappie (15)**: 25 Fish Daily Creel Limit
  - **White, Black, or Hybrid Crappie**: 9" Minimum Length Limit

**Banana Lake, Lake County Forest Preserve District**

- **Lake County**
  - **All Fish**: 2 Pole and Line Fishing Only (1)
  - **Channel Catfish**: 6 Fish Daily Creel Limit
  - **Large or Smallmouth Bass (14)**: 1 Fish Daily Creel Limit
  - **Large or Smallmouth Bass**: 15" Minimum Length Limit
  - **Trout**: Fall Closed Season (10)
  - **Trout**: Spring Closed Season (11)

**Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)**

- **Peoria/Fulton Counties**
### Recreational Use Restrictions

<table>
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<tr>
<th>All Fish</th>
<th>- 2 Pole and Line Fishing Only (1) (34)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 12”-18” Protected Slot Length Limit (no possession)</td>
</tr>
<tr>
<td>Pure Muskellunge</td>
<td>- 42” Minimum Length Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>- 25 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
<td>- 9” Minimum Length Limit</td>
</tr>
</tbody>
</table>

Batchtown Wildlife Management Area (33)
Calhoun County

Baumann Park Lake, City of Cherry Valley
Winnebago County

<table>
<thead>
<tr>
<th>All Fish</th>
<th>- 2 Pole and Line Fishing Only (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 14” Minimum Length Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 1 Fish Daily Creel Limit</td>
</tr>
</tbody>
</table>

Beall Woods Lake, Beall Woods Conservation Area
Wabash County

<table>
<thead>
<tr>
<th>All Fish</th>
<th>- 2 Pole and Line Fishing Only (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15” Minimum Length Limit</td>
</tr>
<tr>
<td>Trout</td>
<td>- Spring Closed Season (11)</td>
</tr>
<tr>
<td>Trout</td>
<td>- Fall Closed Season (10)</td>
</tr>
</tbody>
</table>

Beaver Dam Lake, Beaver Dam State Park
Macoupin County

<table>
<thead>
<tr>
<th>All Fish</th>
<th>- 2 Pole and Line Fishing Only (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bluegill or Redear Sunfish (14)</td>
<td>- 25 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15” Minimum Length Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Trout</td>
<td>- Fall Closed Season (10)</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>- 10 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
<td>- 9” Minimum Length Limit</td>
</tr>
</tbody>
</table>

- All live bait in excess of 8” must be rigged with a quick set rig (43)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Beck Lake, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1) (36)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit

Belk Park Pond, City of Wood River
Madison County
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 18" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Belleau Lake, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (36)
Large or Smallmouth Bass - 14" Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Belvidere Ponds, City of Belvidere
Boone County
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Bevier Lagoon, Waukegan Park District
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Bird Park Quarry, City of Kankakee
Kankakee County
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Bowen Lake, City of Washington
Tazewell County
All Fish - 2 Pole and Line Fishing Only (1)
## DEPARTMENT OF NATURAL RESOURCES

### NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Channel Catfish</th>
<th>Large or Smallmouth Bass</th>
<th>Large or Smallmouth Bass (14)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Fish Daily Creel Limit</td>
<td>12&quot;-15&quot; Protected Slot Length Limit (no possession)</td>
<td>3 Fish Daily Creel Limit</td>
</tr>
</tbody>
</table>

**Borah Lake, City of Olney**
Richland County
- All Fish: 2 Pole and Line Fishing Only (1)
- Channel Catfish: 6 Fish Daily Creel Limit
- Large or Smallmouth Bass: 14" Minimum Length Limit

**Boston Pond, Stephen A. Forbes State Park**
Marion County
- Trout: Fall Closed Season (10)
- Trout: Spring Closed Season (11)

**Bowen Lake, City of Washington**
Tazewell County
- All Fish: 2 Pole and Line Fishing Only (1)
- Channel Catfish: 6 Fish Daily Creel Limit
- Large or Smallmouth Bass: 12"-15" Protected Slot Length Limit (no possession)
- Large or Smallmouth Bass (14): 3 Fish Daily Creel Limit

**Braidwood Lake State Fish and Wildlife Area (41)**
Will County
- **Recreational Use Restrictions**: Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 10 days prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season
- All Fish: 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14): 10 Fish Daily Creel Limit
- Large or Smallmouth Bass: 15" Minimum Length Limit
- Large or Smallmouth Bass (14): 3 Fish Daily Creel Limit
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Striped, White, or Hybrid Striped Bass  - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Breeze JC's Park Pond, City of Breeze
Clinton County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15" Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Buckner City Reservoir, City of Buckner
Franklin County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15" Minimum Length Limit

Bullfrog Lake, Cook County Forest Preserve District
Cook County
   All Fish - 2 Pole and Line Fishing Only (1) (36)
   Large or Smallmouth Bass - 14" Minimum Length Limit
   Bluegill or Redear Sunfish - 8" Minimum Length Limit
   Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit

Bunker Hill Lake, City of Bunker Hill
Macoupin County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit

Burrells Wood Park Pond
White County
   Channel Catfish - 6 Fish Daily Creel Limit

Busse Lake, Cook County Forest Preserve
Cook County
   All Fish - 2 Pole and Line Fishing Only (1)
   Bluegill or Redear Sunfish - 8" Minimum Length Limit
   Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit

Cache River State Natural Area (19)
Pulaski/Johnson Counties

Calhoun Point Wildlife Management Area (33)
Calhoun County

Calumet River
Cook County
  Yellow Perch - 15 Fish Daily Creel Limit
  Yellow Perch - Closed During July

Campbell Pond Wildlife Management Area (19)
Jackson County

Campus Lake – Southern Illinois University, State of Illinois
Jackson County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit

Campus Pond – Eastern Illinois University, State of Illinois
Coles County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Trout - Fall Closed Season (10)
  Trout - Spring Closed Season (11)

Canton Lake, City of Canton
Fulton County
  **Recreational Use Restrictions** - All live bait in excess of 8" must be rigged with a quick set rig (43)
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel or Blue Catfish (14) - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15" Minimum Length Limit
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Carbondale City Reservoir, City of Carbondale
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Jackson County
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Carlinville Lake #1, City of Carlinville
Macoupin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Carlinville Lake #2, City of Carlinville
Macoupin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Carlton Silt Basin, State of Illinois
Whiteside County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish - 8" Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Large or Smallmouth Bass - Catch and Release Fishing Only (9)

Carlyle Lake, U.S. Army Corps of Engineers (20) (33)
Clinton/Bond/Fayette Counties
Large or Smallmouth Bass - 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 10" Minimum Length Limit

Carthage Lake, City of Carthage
Hancock County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Cedar Lake, U.S. Forest Service and City of Carbondale
Jackson County (19)
All Fish - 2 Pole and Line Fishing Only (1) (5)
Large or Smallmouth Bass - 14"-18" Protected Slot Length Limit (no possession)
Large or Smallmouth Bass (14) - 5 Fish Under 14" and 1 Fish over 18" Daily Creel Limit (38)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass - 3 Fish Daily Creel Limit

Centralia Foundation Park Catfish Pond, Centralia Park Foundation
Marion County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Centralia Lake, City of Centralia
Marion County
Large or Smallmouth Bass - 15" Minimum Length Limit

Cermack Quarry, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1) (36)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and Mattis Lake), Champaign Park District
Champaign County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston
Coles County
All Fish - 2 Pole and Line Fishing Only (1)

Charleston Side Channel Lake, City of Charleston
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass(16) - 3 Fish Daily Creel Limit
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Location</th>
<th>Species/Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlie Brown Lake &amp; Pond, City of Flora, Clay County</td>
<td>White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit for Fish Under 10&quot;; 10 Fish Daily Creel Limit for Fish 10&quot; and Longer (23)</td>
</tr>
<tr>
<td>Charter Oak North – Peoria Park District Lake, Peoria Park District, Peoria County</td>
<td>All Fish - 2 Pole and Line Fishing Only (1) Channel Catfish - 6 Fish Daily Creel Limit Large or Smallmouth Bass - 14&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Charter Oak South – Peoria Park District Pond, Peoria Park District, Peoria County</td>
<td>All Fish - 2 Pole and Line Fishing Only (1) Channel Catfish - 6 Fish Daily Creel Limit Large or Smallmouth Bass - 15&quot; Minimum Length Limit Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Chauncey Marsh (19), Lawrence County</td>
<td></td>
</tr>
<tr>
<td>Chautauqua Lake North Pool, U.S. Fish and Wildlife Service, Mason County</td>
<td>All Fish - 2 Pole and Line Fishing Only (1) Black, White, or Hybrid Crappie - 9&quot; Minimum Length Limit (except, when the Illinois River overflows the levee system of the North Pool, there is no minimum length limit) Black, White, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit (except, when the Illinois River overflows the levee system of the North Pool, there is no daily creel limit) Largemouth Bass - 15&quot; Minimum Length Limit (12&quot; minimum</td>
</tr>
</tbody>
</table>
length limit when the Illinois River overflows the levee system of the North Pool)

Chenoa City Lake, City of Chenoa
McLean County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Chicago River (including its North Branch, South Branch, and the North Shore Channel)
Cook County

Yellow Perch - 15 Fish Daily Creel Limit

Yellow Perch - Closed During July

Citizen’s Lake, City of Monmouth
Warren County

All Fish - 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass (14) - 6 Fish Daily Creel Limit

1 Fish Over 15” and 5 Fish under 12” Daily Creel Limit (12)

Trout - Fall Closed Season (10)

Clear Lake, Kickapoo State Park
Vermillion County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Trout - Fall Closed Season (10)

Trout - Spring Closed Season (11)

Clinton Lake, Clinton Lake State Recreation Area (19)
DeWitt County

All Fish - 2 Pole and Line Fishing Only (1) (18)

Large or Smallmouth Bass - 16” Minimum Length Limit

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Striped, White, or Hybrid Striped Bass (16) - 10 Creel/3 Fish 17” or Longer Daily (17)

White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit
**White, Black, or Hybrid Crappie** - 9" Minimum Length Limit

**Coffeen Lake, Coffeen Lake State Fish and Wildlife Area**  
Montgomery County  
 Channel Catfish - All jugs must be attended at all times while fishing (2)  
 Large or Smallmouth Bass - 15" Minimum Length Limit  
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit  
 White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit  
 White, Black, or Hybrid Crappie - 10" Minimum Length Limit  
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit  
 Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

**Coles County Airport Lake, Coles County Airport**  
Coles County  
 All Fish - 2 Pole and Line Fishing Only (1)  
 Channel Catfish - 6 Fish Daily Creel Limit  
 Large or Smallmouth Bass - 14" Minimum Length Limit

**Coleta Trout Pond, State of Illinois**  
Whiteside County  
 Trout - Fall Closed Season (10)  
 Trout - Spring Closed Season (11)

**Columbus Park Lagoon, Chicago Park District**  
Cook County  
 All Fish - 2 Pole and Line Fishing Only (1)  
 Channel Catfish - 6 Fish Daily Creel Limit

**Commissioners Park Pond, Alsip Park District**  
Cook County  
 All Fish - 2 Pole and Line Fishing Only (1)  
 Channel Catfish - 6 Fish Daily Creel Limit

**Cook Co. F.P.D. Lakes, Cook County Forest Preserve District**  
Cook County  
 All Fish - 2 Pole and Line Fishing Only (1)  
 Large or Smallmouth Bass - 14" Minimum Length Limit
### NOTICE OF ADOPTED RULES

**Walleye, Sauger, or Hybrid Walleye**
- 18" Minimum Length Limit

**Coulterville City Lake, City of Coulterville**
- Randolph County
  - All Fish
  - 2 Pole and Line Fishing Only (1)
  - Channel Catfish
  - 6 Fish Daily Creel Limit

**Crab Orchard National Wildlife Refuge – Ann Manns Lake, U.S. Fish and Wildlife Service (19)**
- All Fish
  - 2 Pole and Line Fishing Only (1)
- Channel Catfish
  - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
  - 15" Minimum Length Limit

**Crab Orchard National Wildlife Refuge – Crab Orchard Lake, U.S. Fish and Wildlife Service (19)**
- Williamson County
  - All Fish
  - 2 Pole and Line Fishing Only (1) (4)
  - Striped, White, or Hybrid Striped Bass (16)
    - 10 Creel/3 Fish 17" or Longer Daily (17)
  - Large or Smallmouth Bass
    - 16" Minimum Length Limit
  - Large or Smallmouth Bass (14)
    - 3 Fish Daily Creel Limit

**Crab Orchard National Wildlife Refuge – Devil's Kitchen Lake, U.S. Fish and Wildlife Service (19)**
- Williamson County
  - All Fish
  - 2 Pole and Line Fishing Only (1)

**Crab Orchard National Wildlife Refuge – Little Grassy Lake, U.S. Fish and Wildlife Service (19)**
- Williamson County
  - All Fish
  - 2 Pole and Line Fishing Only (1)
  - Channel Catfish
  - 6 Fish Daily Creel Limit
  - Large or Smallmouth Bass
  - 12-15" Slot Length Limit (3)

**Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service**
- Williamson County
  - All Fish
  - 2 Pole and Line Fishing Only (1)
  - Large or Smallmouth Bass
  - 15" Minimum Length Limit
Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County
All Fish (30) - 2 Pole and Line Fishing Only (1) (5)
Large or Smallmouth Bass - 21" Minimum Length Limit

Crawford Co. Cons. Area – Picnic Pond, Crawford County Conservation Area
Crawford County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Trout - Fall Closed Season (10)

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Crull Impoundment Wildlife Management Area (33)
Jersey County

Crystal Lake, Urbana Park District
Champaign County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 3 Fish Daily Creel Limit

Dawson Lake & Park Ponds, Moraine View State Park
McLean County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie - 9" Minimum Length Limit
White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Decatur Park Dist. Ponds, City of Decatur
Macon County
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit (except for Fairview Park – Dreamland Pond, which has a 3 Fish Daily Creel Limit)

Deep Pit Lake, Boone County Conservation District
Boone County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Defiance Lake, Moraine Hills State Park
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Des Plaines River Basin – Special Management Zone (Hoffman Dam to 47th Street Bridge, including tributaries)
Cook County
Channel Catfish - 15" Minimum Length Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Northern Pike - 30" Minimum Length Limit
Northern Pike - 1 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14) - 1 Fish Daily Creel Limit

Des Plaines River Conservation Area (19)
Will County

Diamond Lake, City of Mundelein
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
## DEPARTMENT OF NATURAL RESOURCES
### NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Location</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
</tbody>
</table>

**Dog Island Wildlife Management Area (19)**  
Pope County

**Dolan Lake, Hamilton County Conservation Area**  
Hamilton County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish - 8" Minimum Length Limit
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

**Donelley State Wildlife Area (33)**  
Bureau County

**Double "T" State Fish and Wildlife Area, State of Illinois**  
Fulton County

**Recreational Use Restrictions**

- Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting is prohibited from October 1 through the end of the central zone Canada goose season)
- All live bait in excess of 8" must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 10" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 21" Minimum Length Limit
- 1 Fish Daily Creel Limit
- 42" Minimum Length Limit

**Douglas Park Lagoon, Chicago Park District**  
Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
DuPage County Forest Preserve District Lakes and Ponds, DuPage County Forest Preserve District
DuPage County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 14" Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

DuPage River – West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)
DuPage County
   Large or Smallmouth Bass - Catch and Release Fishing Only (9)

East Fork Lake, City of Olney
Richland County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15" Minimum Length Limit
   White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Eldon Hazlet State Park (19) (See Also Carlyle Lake)
Clinton County

Elkville City Reservoir, City of Elkville
Jackson County
   Large or Smallmouth Bass - 15" Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Elliott Lake, Wheaton Park District
DuPage County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit

Evergreen Lake, City of Bloomington
McLean County
   Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
   All Fish - 2 Pole and Line Fishing Only (1) (5)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- Large or Smallmouth Bass - 15" Minimum Length Limit
- Pure Muskellunge - 48" Minimum Length Limit (40)
- White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

**Fairgrounds Pond – Fort Massac State Park, State of Illinois**

**Massac County**

- Trout - Fall Closed Season (10)
- Trout - Spring Closed Season (11)

**Fairview Park – Dreamland Pond, City of Decatur**

**Macon County**

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 3 Fish Daily Creel Limit

**Fairies Park Pond, Decatur Park District**

**Macon County**

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)

**Ferne Clyffe Lake, Ferne Clyffe State Park**

**Johnson County**

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)
- Trout - Spring Closed Season (11)

**Flatfoot Lake, Cook County Forest Preserve District**

**Cook County**

- All Fish - 2 Pole and Line Fishing Only (1) (36)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

**Foli Park Pond, Village of Plano**

**Kendall County**

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

**Forbes State Lake, Stephen A. Forbes State Park** (19)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Marion County

Recreational Use Restrictions

- All live bait in excess of 8" must be rigged with a quick set rig (43)

  All Fish - 2 Pole and Line Fishing Only (1) (5)
  Bluegill or Redear Sunfish - 8" Minimum Length Limit
  Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14" Minimum Length Limit
  Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
  Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Forbes State Park Ponds, Stephen A. Forbes State Park (19)
Marion County

  All Fish - 2 Pole and Line Fishing Only (1) (5)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14" Minimum Length Limit

Forest Park Lagoon, City of Shelbyville
Shelby County

  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Trout - Fall Closed Season (10)
  Trout - Spring Closed Season (11)

Fort de Chartres Historic Site (19)
Randolph County

Four Lakes, Winnebego County Forest Preserve
Winnebago County

  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14" Minimum Length Limit
  Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Fox Chain O’Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the McHenry Dam) (6) (Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only (19)), State of Illinois
Lake and McHenry Counties

Recreational Use Restrictions

- All live bait in excess of 8" must be
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Species</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Largemouth or Smallmouth Bass</td>
<td>- 14&quot; Minimum Length Limit (6)</td>
</tr>
<tr>
<td>Pure Muskellunge</td>
<td>- 48&quot; Minimum Length Limit (40)</td>
</tr>
<tr>
<td>Smallmouth Bass</td>
<td>- All fish must be immediately released</td>
</tr>
<tr>
<td></td>
<td>between April 1 and June 15</td>
</tr>
<tr>
<td>Smallmouth Bass</td>
<td>- 1 Fish 12&quot; or over and 2 Fish under 12&quot; Daily Creel Limit</td>
</tr>
<tr>
<td>Walleye, Sauger, or Hybrid Walleye</td>
<td>- 14&quot; Minimum Length Limit with an 18-24&quot; Protected Slot Length Limit (no possession) (6)</td>
</tr>
<tr>
<td>Walleye, Sauger, or Hybrid Walleye (14)</td>
<td>- 2 Fish &gt; or =14&quot; and &lt;18&quot; &amp;/or 1 Fish &gt;24&quot; Daily Creel Limit (35)</td>
</tr>
</tbody>
</table>

Fox Ridge State Park (see also Wilderness Pond and Ridge Lake) (19)
Coles County

**Fox River, McHenry Dam to confluence with the Illinois River, including tributaries, State of Illinois**

<table>
<thead>
<tr>
<th>Species</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Counties</td>
<td>- 1 Fish 12&quot; or over and 2 Fish under 12&quot; Daily Creel Limit</td>
</tr>
<tr>
<td>Smallmouth Bass</td>
<td>- 14&quot; Minimum Length Limit</td>
</tr>
</tbody>
</table>

**Fox River Basin—Special Management Zone (North Aurora Dam to Montgomery Dam, including tributaries)**

<table>
<thead>
<tr>
<th>Species</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kane County</td>
<td>- Catch and Release Only—No Harvest Permitted (9)</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 14&quot; Minimum Length Limit</td>
</tr>
</tbody>
</table>

**Kane County**

<table>
<thead>
<tr>
<th>Species</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- Catch and Release Only—No Harvest Permitted (9)</td>
</tr>
</tbody>
</table>

**Franklin Creek (within the boundaries of Franklin Creek State Natural Area)**

<table>
<thead>
<tr>
<th>Species</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>- 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 14&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Trout</td>
<td>- Fall Closed Season (10)</td>
</tr>
<tr>
<td>Trout</td>
<td>- Spring Closed Season (11)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Lee County
All Fish - 2 Pole and Line Fishing Only (1) (9)

Fuller Lake (19)

Calhoun County

Fulton County Camping and Recreation Area Waters, Fulton County Board
Fulton County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12"-15" Protected Slot Length Limit (no possession)
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Blue gill or Redear Sunfish (14) - 25 Fish Daily Creel Limit

Fulton County Goose Management Area Waters, State of Illinois
Fulton County
Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (all use other than waterfowl) hunting is prohibited from October 1 through the end of the central zone Canada goose season)

All Fish - 2 Pole and Line Fishing Only (1)
Channel or Blue Catfish - 6 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 10" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Large or Smallmouth Bass - 21" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Gages Lake, Wildwood Park District
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit

Garfield Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED RULES

Channel Catfish - 6 Fish Daily Creel Limit

Gebhard Woods Ponds, Gebhard Woods State Park
Grundy County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15" Minimum Length Limit
  Trout - Spring Closed Season (11)

Giant City Park Ponds, Giant City State Park
Jackson and Union Counties
  Largemouth and Spotted Bass - 15" Minimum Length Limit

Gillespie New City Lake, City of Gillespie
Macoupin County
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie
Macoupin County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15" Minimum Length Limit
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Glades -12 Mile Island Wildlife Management Area (33)
Jersey County

Gladstone Lake, Henderson County Conservation Area
Henderson County
  All Fish - 2 Pole and Line Fishing Only (1)
  Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
  Channel or Blue Catfish (14) - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Glen Oak Park Lagoon, Peoria Park District
Peoria County
## DEPARTMENT OF NATURAL RESOURCES

### NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Location</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>- 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Glen Shoals Lake, City of Hillsboro</td>
<td></td>
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<tr>
<td>Montgomery County</td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Striped, White, or Hybrid Striped Bass</td>
<td>- 17&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Striped, White, or Hybrid Striped Bass (16)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Godar-Diamond/Hurricane Island Wildlife</td>
<td></td>
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<tr>
<td>Management Area (33)</td>
<td></td>
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<tr>
<td>Calhoun County</td>
<td></td>
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<tr>
<td>Gompers Park Lagoon, Chicago Park District</td>
<td></td>
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<tr>
<td>Cook County</td>
<td></td>
</tr>
<tr>
<td>All Fish</td>
<td>- 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
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<tr>
<td>Gordon F. More Park Lake, City of Alton</td>
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<tr>
<td>Madison County</td>
<td></td>
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<tr>
<td>All Fish</td>
<td>- 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Bluegill or Redear Sunfish (14)</td>
<td>- 25 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 3 Fish Daily Creel Limit</td>
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<tr>
<td>Striped, White, or Hybrid Striped Bass</td>
<td>- 17&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Striped, White, or Hybrid Striped Bass (16)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>- 25 Fish Daily Creel Limit</td>
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<tr>
<td>Governor Bond Lake, City of Greenville</td>
<td></td>
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<tr>
<td>Bond County</td>
<td></td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- All jugs must be attended at all times while</td>
</tr>
<tr>
<td></td>
<td>fishing (2)</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15&quot; Minimum Length Limit</td>
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<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 3 Fish Daily Creel Limit</td>
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<td>Striped, White, or Hybrid Striped Bass</td>
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</tr>
<tr>
<td>Striped, White, or Hybrid Striped Bass (16)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>- 25 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Grayslake Park District (Grayslake and Park Ponds)</td>
<td></td>
</tr>
<tr>
<td>Lake County</td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Greenfield City Lake, City of Greenfield
Greene County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12"-15" Protected Slot Length Limit (no possession)
Large or Smallmouth Bass - 5 Fish Under 12" and 1 Fish Over 15” Daily Creel Limit

Greenville Old City Lake, Kingsbury Park District
Bond County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Harrisburg New City Reservoir, City of Harrisburg
Saline County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County (41)
Recreational Use Restrictions

(Heidecke Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED RULES

close of the Canada goose and regular duck season
- All live bait in excess of 8" must be rigged with a quick set rig (43)

All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 15" Minimum Length Limit
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass (16)
- 10 Crel/3 Fish 17" or Longer Daily (17)
Walleye, Sauger, or Hybrid Walleye
- 22" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14)
- 3 Fish Daily Creel Limit

Helmbold Slough (19)
Calhoun County

Hennepin Canal – Mainline & Feeder, Hennepin Canal Parkway State Park
Multiple Counties
All Fish
- 2 Pole and Line Fishing Only (1) (13)
Large or Smallmouth Bass
- 14" Minimum Length Limit
Trout
- Fall Closed Season (10)
Trout
- Spring Closed Season (11)

Hennepin-Hopper Lakes, The Wetlands Initiative
Putnam County

Recreational Use Restrictions
- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish
- 2 Pole and Line Fishing Only (1)
Black, White or Hybrid Crappie
- 9" Minimum Length Limit
Black, White or Hybrid Crappie (15)
- 25 Fish Daily Creel Limit
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 15" Minimum Length Limit
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
Pure Muskellunge
- 42" Minimum Length Limit
Walleye, Sauger or Hybrid Walleye
- 18" Minimum Length Limit
Walleye, Sauger or Hybrid Walleye (14)
- 3 Fish Daily Creel Limit

Herrin Lake #1, City of Herrin
Williamson County
All Fish
- 2 Pole and Line Fishing Only (1)
NOTICE OF ADOPTED RULES

Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Herrin Lake #2, City of Herrin
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Hidden Springs State Forest Ponds, Hidden Springs State Forest
Shelby County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 18" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Highland Old City Lake, City of Highland
Madison County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)

Hillsboro Old City Lake, City of Hillsboro
Montgomery County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit

Homer Guthrie Pond – Eldon Hazlet State Park, State of Illinois
Clinton County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Homer Lake, Champaign County Forest Preserve District
## DEPARTMENT OF NATURAL RESOURCES

### NOTICE OF ADOPTED RULES

**Champaign County**
- **All Fish** - 2 Pole and Line Fishing Only (1)
- **Bluegill or Redear Sunfish** - 8" Minimum Length Limit
- **Bluegill or Redear Sunfish (14)** - 10 Fish Daily Creel Limit
- **Channel Catfish** - 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass** - 14" Minimum Length Limit

**Hormel Pond, Donnelly State Fish and Wildlife Area**

**Bureau County**
- **All Fish** - 2 Pole and Line Fishing Only (1) (5)
- **Channel Catfish** - 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass** - 14" Minimum Length Limit

**Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area**

**Alexander County**
- **Recreational Use Restrictions** - (Only trolling motors in refuge from October 5-March 1)
- **All Fish** - 2 Pole and Line Fishing Only (1) (5)
- **Channel Catfish** - 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass** - 14" Minimum Length Limit

**Horseshoe Lake-Madison County, Horseshoe Lake State Park (33)**

**Madison County**
- **All Fish** - 2 Pole and Line Fishing Only (1) (28) (34)
- **Large or Smallmouth Bass** - 15" Minimum Length Limit
- **Large or Smallmouth Bass (14)** - 3 Fish Daily Creel Limit
- **White, Black or Hybrid Crappie (15)** - 25 Fish Daily Creel Limit

**Horton Lake, Nauvoo State Park**

**Hancock County**
- **All Fish** - 2 Pole and Line Fishing Only (1)
- **Channel Catfish** - 6 Fish Daily Creel Limit

**Hulit Park Big Lake, Canton Park District**

**Fulton County**
- **All Fish** - 2 Pole and Line Fishing Only (1)
- **Channel Catfish** - 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass** - 15" Minimum Length Limit
- **Large or Smallmouth Bass (14)** - 1 Fish Daily Creel Limit
Humboldt Park Lagoon, Chicago Park District  
Cook County 
- All Fish - 2 Pole and Line Fishing Only (1) 
- Channel Catfish - 6 Fish Daily Creel Limit 

Illinois & Michigan Canal, State of Illinois  
Grundy/LaSalle/ Will Counties 
- All Fish - 2 Pole and Line Fishing Only (1) 
- Channel Catfish - 6 Fish Daily Creel Limit 
- Large or Smallmouth Bass - 15" Minimum Length Limit 
- Trout - Spring Closed Season (11) 

Illinois Beach State Park Ponds, Illinois Beach State Park  
Lake County 
- All Fish - 2 Pole and Line Fishing Only (1) 
- Channel Catfish - 6 Fish Daily Creel Limit 

Illinois Department of Natural Resources Building Pond at State Fairgrounds, State of Illinois  
Sangamon County 
- All Fish - 2 Pole and Line Fishing Only (1) 
- All Fish - Catch and Release Fishing Only (9) 

Illinois Department of Transportation Lake, State of Illinois  
Sangamon County 
- All Fish - 2 Pole and Line Fishing Only (1) 
- Channel Catfish - 6 Fish Daily Creel Limit 
- Large or Smallmouth Bass - 15" Minimum Length Limit 
- Trout - Fall Closed Season (10) 
- Trout - Spring Closed Season (11) 

Illinois River – Pool 26 (19)  
Calhoun County 

Illinois River – State of Illinois  
Multiple Counties 
- Large or Smallmouth Bass - 12" Minimum Length Limit 

Indian Boundary South Pond, Frankfort Square Park District
NOTICE OF ADOPTED RULES

Will County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District
- Channel Catfish - 6 Fish Daily Creel Limit

Cook County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Jim Edgar/Panther Creek Fish and Wildlife Area, All Lakes and Ponds, Jim Edgar/Panther Creek Fish and Wildlife Area

Cass County
- Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish - 8" Minimum Length Limit
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Pure Muskellunge - 48" Minimum Length Limit

Jim Edgar/Panther Creek Fish and Wildlife Area, Gurney Road Pond, Jim Edgar/Panther Creek Fish and Wildlife Area

Cass County
- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish - 8" Minimum Length Limit
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Trout - Spring Closed Season (11)

Johnson City Lake, City of Johnson City

Williamson County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
Henry County

Recreational Use Restrictions
- All live bait in excess of 8” must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14” Minimum Length Limit

Johnston City Lake, City of Johnston City
Williamson County

All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 15” Minimum Length Limit
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit

Jones Lake Trout Pond, Saline County Conservation Area
Saline County

Trout
- Fall Closed Season (10)

Jones Park Lake, City of East St. Louis
St. Clair County

All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
Trout
- Fall Closed Season (10)
Trout
- Spring Closed Season (11)

Jones State Lake, Saline County Conservation Area
Saline County

All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 14”-18” Protected Slot Length Limit (no possession) (38)
Large or Smallmouth Bass
- 5 Fish under 14” and 1 Fish over 18” Daily Creel Limit

Jones Lake Trout Pond, Saline County Conservation Area
Saline County

Trout
- Fall Closed Season (10)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Jubilee College State Park Ponds, Jubilee College State Park
Peoria County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Kankakee-Iroquois Rivers and their Tributaries, State of Illinois
Multiple Counties
Walleye, Sauger, and Hybrid Walleye - 16” Minimum Length Limit
Walleye, Sauger, and Hybrid Walleye (14) - 3 Fish Daily Creel Limit

Kankakee River Basin—Special Management Zone (Wilmington Dam to the Mouth of the Kankakee River, including tributaries)
Will/Grundy Counties
Large or Smallmouth Bass - 12”-16” Protected Slot Length Limit (no possession) (37)
Large or Smallmouth Bass (14) - 1 Fish over 16” and 2 Fish under 12” Daily Creel Limit

Kankakee River Basin—Special Management Zone (Kankakee Dam to the Wilmington Dam, including tributaries)
Kankakee/Will Counties
Large or Smallmouth Bass - 14” Minimum Length Limit
Large or Smallmouth Bass (14) - Catch and Release Only Season in tributaries—No Harvest May 1 through June 15 (9)

Kankakee River, from the Kankakee Dam to the mouth of the Kankakee River, including tributaries, State of Illinois
Multiple Counties
Smallmouth Bass - 12”-18” Protected Slot Length Limit (no possession)
Smallmouth Bass - 1 Fish over 18” and 2 Fish under 12” Daily Creel Limit (37)

Kankakee River State Park (19)
Kankakee/Will Counties

Kaskaskia River Fish and Wildlife Area (19)
St.Clair/Randolph/Monroe Counties
Kaskaskia River Fish and Wildlife Area – Doza Creek Wildlife Management Area (33)  
St.Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District  
Kendall County
   All Fish          - 2 Pole and Line Fishing Only (1)
   Channel Catfish   - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 14" Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Kent Creek  
Winnebago County
   Trout           - Spring Closed Season (11)

Kickapoo State Park Lakes & Pond Ponds, Kickapoo State Park  
Vermilion County
   All Fish          - 2 Pole and Line Fishing Only (1)
   Channel Catfish   - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 14" Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Kincaid City Reservoir, City of Kincaid  
Christian County
   All Fish          - 2 Pole and Line Fishing Only (1)
   Channel Catfish   - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15" Minimum Length Limit

Kincaid Lake, Kincaid Lake State Fish and Wildlife Area (19)  
Jackson County
   **Recreational Use Restrictions** - All live bait in excess of 8" must be rigged with a quick set rig (43)
   Large or Smallmouth Bass - 16" Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
   Pure Muskellunge - 48" Minimum Length Limit (40)
   White, Black, or Hybrid Crappie - 9" Minimum Length Limit
   White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Kinnmundy Reservoir, City of Kinnmundy
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Marion County
- All Fish: 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish: 6 Fish Daily Creel Limit
- Large or Smallmouth Bass: 15" Minimum Length Limit
- Large or Smallmouth Bass (14): 1 Fish Daily Creel Limit

**Kishwaukee River and South Branch of Kishwaukee River and Tributaries, State of Illinois**

**Multiple Counties**
- Smallmouth Bass: 14" Minimum Length Limit

Lake Atwood, McHenry County Conservation District
- McHenry County
- All Fish: 2 Pole and Line Fishing Only (1)
- Channel Catfish: 6 Fish Daily Creel Limit
- Trout: Spring Closed Season (11)

Lake Bloomington, City of Bloomington
- McLean County
- All Fish: 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish: 8" Minimum Length Limit
- Bluegill or Redear Sunfish (14): 10 Fish Daily Creel Limit
- Large or Smallmouth Bass: 15" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass: 17" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass (16): 3 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie (15): 25 Fish Daily Creel Limit

Lake Carlton, Morrison-Rockwood State Park
- Whiteside County
- All Fish: 2 Pole and Line Fishing Only (1)
- Channel Catfish: 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14): 1 Fish Daily Creel Limit
- Large or Smallmouth Bass: 14" Minimum Length Limit
- Pure Muskellunge: 36" Minimum Length Limit
- White, Black, or Hybrid Crappie (15): 25 Fish Daily Creel Limit

**Recreational Use Restrictions**
- All live bait in excess of 8" must be rigged with a quick set rig (43)

Lake Co. Forest Preserve District Lakes (except Independence Grove Lake), Lake County Forest
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED RULES

Preserve District
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit

Lake Decatur, City of Decatur
Macon County
All Fish - 2 Pole and Line Fishing Only (1)(29)
White, Black, or Hybrid Crappie - 10" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Depue Fish and Wildlife Area (33)
Bureau County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Lake Eureka, City of Eureka
Woodford County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Lake George, Loud Thunder Forest Preserve
Rock Island County
Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Pure Muskellunge - 36" Minimum Length Limit
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16) - 1 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Lake Jacksonville, City of Jacksonville
<table>
<thead>
<tr>
<th>Location</th>
<th>Fishing Method</th>
<th>Minimum Length Limit</th>
<th>Daily Creel Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Morgan County</strong></td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bluegill or Redear Sunfish</td>
<td>- 8&quot; Minimum Length Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15&quot; Minimum Length Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Striped, White, or Hybrid Striped Bass (16)</td>
<td>- 17&quot; Minimum Length Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>- 25 Fish Daily Creel Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
<td>- 9&quot; Minimum Length Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lake Kakusha, City of Mendota</strong></td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bluegill or Redear Sunfish</td>
<td>- 8&quot; Minimum Length Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 14&quot; Minimum Length Limit</td>
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<td></td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>- 25 Fish Daily Creel Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park</strong></td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 14&quot; Minimum Length Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>- 10 Fish Daily Creel Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lake Mendota, City of Mendota</strong></td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 1 Fish &gt; or = 15&quot; &amp;/or 2 &lt;12&quot; Daily (31)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lake Michigan (Illinois Portion), State of Illinois</strong></td>
<td>Trout and Salmon - 10&quot; Minimum Length Limit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Trout and Salmon - No more than 5 fish of any one species daily, except for Lake Trout

Lake Trout - 2 Fish Daily Creel Limit
Yellow Perch - 15 Fish Daily Creel Limit
Yellow Perch - Taking of yellow perch from charter boats is prohibited
Yellow Perch - Closed During July
Large or Smallmouth Bass (14) - Catch and Release Fishing Only (no possession) (9)

Lake Milliken, Des Plaines Conservation Area, Will County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Trout - Spring Closed Season (11)

Lake Mingo & Kennekuk Cove Park Ponds, Vermilion County Conservation Area, Vermilion County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Lake Murphysboro, Lake Murphysboro State Park, Jackson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Lake Nellie, City of St. Elmo, Fayette County
All Fish - 2 Pole and Line Fishing Only (1) (5)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District, Champaign County
Recreational Use Restrictions - All live bait in excess of 8" must be rigged
NOTICE OF ADOPTED RULES

with a quick set rig (43)

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish - 8" Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

Lake Owen, Hazel Crest Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Lake Paradise, City of Mattoon
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit
Channel Catfish - 6 Fish Daily Creel Limit

Lake Sara, City of Effingham
Effingham County
Large or Smallmouth Bass - 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers
Moultrie/Shelby Counties

Recreational Use Restrictions
- During the regular waterfowl season, 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 one-half hour before sunrise to 1 p.m.
- All live bait in excess of 8" must be rigged
<table>
<thead>
<tr>
<th>Lake Shelbyville – U.S. Army Corps of Engineers Project Ponds and Wood Lake, and Lake Shelbyville State Fish and Wildlife Management Area Ponds (33) Moultrie/Shelby Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fish</td>
</tr>
<tr>
<td>Channel Catfish</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lake Shermerville, Northbrook Park District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cook County</td>
</tr>
<tr>
<td>All Fish</td>
</tr>
<tr>
<td>Channel Catfish</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lake Sinnissippi (19)</th>
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</thead>
<tbody>
<tr>
<td>Whiteside County</td>
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<table>
<thead>
<tr>
<th>Lake Springfield, City of Springfield</th>
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</thead>
<tbody>
<tr>
<td>Sangamon County</td>
</tr>
<tr>
<td>All Fish</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lake Storey, City of Galesburg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knox County</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Recreational Use Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>All live bait in excess of 8&quot; must be rigged with a quick set rig (43)</td>
</tr>
<tr>
<td>All Fish</td>
</tr>
<tr>
<td>Bluegill and Redear Sunfish (14)</td>
</tr>
<tr>
<td>Channel or Blue Catfish (14)</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
</tr>
<tr>
<td>Pure Muskellunge</td>
</tr>
</tbody>
</table>
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit

Lake Strini, Village of Romeoville
Will County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District
Ogle County
   Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
   All Fish - 2 Pole and Line Fishing Only (1)
   Bluegill or Redear Sunfish (14) - 5 Fish Daily Creel Limit
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 14" Minimum Length Limit
   Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
   Pure Muskellunge - 36" Minimum Length Limit
   White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Lake Taylorville, City of Taylorville
Christian County
   Large or Smallmouth Bass - 15" Minimum Length Limit
   White, Black, or Hybrid Crappie - 9" Minimum Length Limit
   White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Lake Vandalia, City of Vandalia
Fayette County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 14" Minimum Length Limit
   Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
   Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Lake Vermilion, Vermilion County Conservation District
Vermilion County
   All Fish - 2 Pole and Line Fishing Only (1) (26)
   (except that sport fisherman may take carp, carpsuckers, buffalo, gar, bowfin,
and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices north of Boiling Springs Road, but not within 300 feet around the wetland boardwalk.

<table>
<thead>
<tr>
<th>Fish Type</th>
<th>Minimum Length Limit</th>
<th>Quantity Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large or Smallmouth Bass</td>
<td>15&quot;</td>
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</tr>
<tr>
<td>Pure Muskellunge</td>
<td>48&quot;</td>
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</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
<td>9&quot;</td>
<td>25 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
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</table>

Lake Victoria, City of South Beloit

<table>
<thead>
<tr>
<th>Fish Type</th>
<th>Minimum Length Limit</th>
<th>Quantity Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>2 Pole and Line Fishing Only</td>
<td>1</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>6 Fish Daily Creel Limit</td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>14&quot;</td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>1 Fish Daily Creel Limit</td>
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</tbody>
</table>

Lake Williamsville, City of Williamsville

<table>
<thead>
<tr>
<th>Fish Type</th>
<th>Minimum Length Limit</th>
<th>Quantity Limit</th>
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</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>2 Pole and Line Fishing Only</td>
<td>1</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>6 Fish Daily Creel Limit</td>
<td></td>
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</tbody>
</table>

LaSalle Lake, LaSalle Power Station

<table>
<thead>
<tr>
<th>Fish Type</th>
<th>Minimum Length Limit</th>
<th>Quantity Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>2 Pole and Line Fishing Only</td>
<td>1</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>1 Fish Daily Creel Limit</td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>18&quot;</td>
<td></td>
</tr>
<tr>
<td>Striped, White, or Hybrid Striped Bass (16)</td>
<td>10 Creel/3 Fish 17&quot; or Longer Daily</td>
<td>(17)</td>
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Levings Lake, Rockford Park District

<table>
<thead>
<tr>
<th>Fish Type</th>
<th>Minimum Length Limit</th>
<th>Quantity Limit</th>
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</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>2 Pole and Line Fishing Only</td>
<td>1</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>6 Fish Daily Creel Limit</td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>14&quot;</td>
<td></td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>1 Fish Daily Creel Limit</td>
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</table>

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site

<table>
<thead>
<tr>
<th>Fish Type</th>
<th>Minimum Length Limit</th>
<th>Quantity Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>2 Pole and Line Fishing Only</td>
<td>1</td>
</tr>
</tbody>
</table>
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Lincoln Park North Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park
Clark County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14-18" Slot Length Limit (14" to 18" protected)
Large or Smallmouth Bass (14) - 4 Creel/1 Fish >18" Daily (daily Catch Limit for large or smallmouth bass, singly or in the aggregate, shall not exceed 4 fish per day, no more than one of which shall be greater than 18" in length)

Litchfield City Lake, City of Litchfield
Montgomery County
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit – 1 Fish 15" or Over and 2 Fish Under 15" Total Length (25)
White, Black or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Little Black Slough, Little Black Slough State Natural Area
Johnson County
All Fish - 2 Pole and Line Fishing Only (1)

Little Sister Lake, County of Fulton
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Fulton County
  All Fish - 2 Pole and Line Fishing Only (1)
  Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 12-15” Slot Length Limit (3)
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Little Vermilion River Basin—Special Management Zone (river mainstem and tributaries)

LaSalle County
  Large or Smallmouth Bass - Catch and Release Only Season
  - No Harvest May 1 through June 15 (9)

Loami Reservoir, City of Loami
Sangamon County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15” Minimum Length Limit

Lou Yeager Lake, City of Litchfield
Montgomery County
  Large or Smallmouth Bass - 15” Minimum Length Limit
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Loami Reservoir, City of Loami
Sangamon County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15” Minimum Length Limit

Lower Cache River, Lower Cache River State Natural Area
Pulaski/Johnson Counties
  All Fish - 2 Pole and Line Fishing Only (1) (5)
  All Fish - No Seines

Lyerla Lake, Union County Conservation Area
Union County
  All Fish - 2 Pole and Line Fishing Only (1) (5)
  Channel Catfish - 6 Fish Daily Creel Limit

Mackinaw Ponds 1, 2, and 3, Mackinaw State Fish and Wildlife Area
Tazewell County
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Macon County Conservation District Ponds (see also Rock Springs Pond and Rock Springs Bike Trail Pond), Macon County Conservation District
Macon County
All Fish - 2 Pole and Line Fishing Only (1)

Maple Lake, Cook County Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1) (36)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Marissa City Lake, City of Marissa
St. Clair County
Channel Catfish - 6 Fish Daily Creel Limit

Marquette Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area (33)
Marshall County
All Fish - 2 Pole and Line Fishing Only (1)

Marshall County Conservation Area – Sparland Unit (19)
Marshall County

Mascoutah Reservoir, City of Mascoutah
St. Clair County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Massac County Fairgrounds Pond, State of Illinois
Massac County
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
Matthiessen Lake, Matthiessen State Park
LaSalle County
All Fish - 2 Pole and Line Fishing Only (1)(5)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Mattoon Lake, City of Mattoon
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14” Minimum Length Limit

Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area
Bureau County
All Fish - 2 Pole and Line Fishing Only (1) (34)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Mauvaise Terre/Morgan Lake, City of Jacksonville
Morgan County
Large or Smallmouth Bass - 15” Minimum Length Limit

Mazonia Lakes & Ponds, Mazonia State Fish and Wildlife Area (33)
Grundy/Kankakee/Will Counties
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

McCullom Lake, City of McHenry
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
### DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF ADOPTED RULES**

<table>
<thead>
<tr>
<th>Large or Smallmouth Bass</th>
<th>- 15” Minimum Length Limit</th>
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<tbody>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 1 Fish Daily Creel Limit</td>
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</tbody>
</table>

**McKinley Park Lagoon, Chicago Park District**  
Cook County  
- All Fish  
- Channel Catfish  
  - 2 Pole and Line Fishing Only (1)  
  - 6 Fish Daily Creel Limit  

**McLeansboro City Lakes, City of McLeansboro**  
Hamilton County  
- All Fish  
- Channel Catfish  
- Large or Smallmouth Bass  
  - 2 Pole and Line Fishing Only (1)  
  - 6 Fish Daily Creel Limit  
  - 14” Minimum Length Limit  

**Meredosia Lake – Cass County Portion Only (meandered waters only) (33)**  
Cass County  

**Meredosia Lake, Cass County Portion**  
Cass County  
- Recreational Use Restrictions  
  - (Meandered waters only)  
  - (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; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)  

**Mermet State Lake, Mermet Lake Conservation Area (33)**  
Massac County  
- All Fish  
- Bluegill or Redear Sunfish  
- Bluegill or Redear Sunfish (14)  
- Channel Catfish  
- Large or Smallmouth Bass  
  - 2 Pole and Line Fishing Only (1) (5)  
  - 8” Minimum Length Limit  
  - 10 Fish Daily Creel Limit  
  - 6 Fish Daily Creel Limit  
  - 14” Minimum Length Limit
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Middle Fork Forest Preserve Pond Ponds, Champaign County Forest Preserve
Champaign County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill and Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Bluegill and Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Middle Fork of the Vermilion River, Kickapoo State Park and Middle Fork Fishing Wildlife Area
Vermilion County
All Fish - 2 Pole and Line Fishing Only (1)

Middle Fork of the Vermilion River Basin—Special Management Zone (river mainstem and tributaries)
Vermilion/Champaign/Ford Counties
Large or Smallmouth Bass - 14” Minimum Length Limit
Large or Smallmouth Bass - Catch and Release Only Season in tributaries—No Harvest May 1 through June 15 (9)

Mill Creek Lake, Clark County Park District
Clark County
Recreational Use Restrictions - All live bait in excess of 8” must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15” Slot Length Limit (3)
Pure Muskellunge - 42” Minimum Length Limit

Mill Pond, Pearl City Park District
Stephenson County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Mill Race Ponds, Belvidere Park District
Boone County
Trout - Spring Closed Season (11)
Miller Park Lake, City of Bloomington
McLean County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Trout - Spring Closed Season (11)

Mineral Springs Park Lagoon, City of Pekin
Tazewell County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Trout - Fall Closed Season (10)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (19)
Multiple Counties

Mississippi River (between IL & IA), State of Illinois
Multiple Counties

Recreational Use Restrictions - Any tagged sport fishing device may not be left unattended for more than 24 hours or must be completely removed

All Fish - Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures while trolling

Bluegill or Pumpkinseed Sunfish - 25 Fish Daily Creel Limit singly or in aggregate

Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 5 Fish Daily Creel Limit
Northern Pike - 5 Fish Daily Creel Limit
Paddlefish - Snagging for paddlefish is permitted from January 1 through April 15 within a 500 yard downstream limit below locks and dams on the Mississippi River between Illinois and Iowa; daily catch limit is 2 fish

Rock Bass - 25 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass - No Daily Creel Limit
### DEPARTMENT OF NATURAL RESOURCES
### NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Species</th>
<th>Daily Creel Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Striped, White, Yellow or Hybrid Striped Bass</td>
<td>25 Fish Daily Creel Limit singly or in aggregate – statewide regulation limiting daily creel to 3 fish 17” or longer is not in effect on the Mississippi River between Illinois and Iowa</td>
</tr>
<tr>
<td>Walleye and Sauger (14)</td>
<td>10 Fish Daily Creel Limit (24)</td>
</tr>
<tr>
<td>Walleye</td>
<td>15” Minimum Length Limit</td>
</tr>
<tr>
<td>White, Black or Hybrid Crappie (15)</td>
<td>25 Fish Daily Creel Limit singly or in aggregate</td>
</tr>
<tr>
<td>Yellow Perch</td>
<td>25 Fish Daily Creel Limit</td>
</tr>
</tbody>
</table>

**Mississippi River (between IL & MO), State of Illinois**

**Multiple Counties**

- **Recreational Use Restrictions**
  - Boating prohibited on refuge area (Ellis Bay) immediately upstream of Melvin Price Lock and Dam 26 overflow dike from October 15-April 15.
  - Any tagged sport fishing device may not be left unattended for more than 24 hours or must be completely removed.

- **All Nongame Species Combined** *(Excludes endangered and threatened species and the following game species: Crappie, Channel/Blue/Flathead Catfish, Rock Bass, Warmouth, White/Yellow/Striped/Hybrid Striped Bass, Trout, Largemouth/Smallmouth/Spotted Bass, Muskellunge, Northern Pike, Chain/Grass Pickeral, Walleye, Sauger, Paddlefish)*
  - 100 Total Fish Daily Creel Limit

- **Channel or Blue Catfish (14)**
  - 20 Fish Daily Creel Limit

- **Flathead Catfish**
  - 10 Fish Daily Creel Limit

- **Largemouth, Smallmouth, Spotted Bass**
  - 12” Minimum Length Limit or
  - 1 Fish Daily Creel Limit

- **Northern Pike**
  - Snagging for paddlefish is permitted from September 15 though December 15 and March 15 through May 15 within a 300 yard downstream limit below locks and dams on the
Mississippi River between Illinois and Missouri; daily catch limit is 2 fish

Striped, White, **Yellow** or Hybrid Striped Bass (16) - 30 Fish Daily Creel Limit *singly or in aggregate* – statewide regulation limiting daily creel to 3 fish 17" or longer is not in effect on the Mississippi River between Illinois and Missouri

Walleye and Sauger (14) - 8 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 30 Fish Daily Creel Limit

Monee Reservoir, Will County Forest Preserve District
Will County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Montrose Lake, City of Montrose
Cumberland County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Mt. Olive City Lakes, City of Mt. Olive
Macoupin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Mt. Olive (Old) Lake, City of Mt. Olive
Macoupin County
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Mt. Pulaski Park District Lake, Mt. Pulaski Park District
Logan County
All Fish - 2 Pole and Line Fishing Only (1)
## DEPARTMENT OF NATURAL RESOURCES

### NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Location</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Sterling Lake, City of Mt. Sterling</td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Brown County</td>
<td>Channel Catfish - 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass - 12-15&quot; Slot Length Limit (3)</td>
</tr>
<tr>
<td>Mt. Vernon City Park Lake, City of Mt. Vernon</td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Jefferson County</td>
<td>Channel Catfish - 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass - 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Mt. Vernon Game Farm Pond, Mt. Vernon Game</td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Farm</td>
<td>Trout - Fall Closed Season (10)</td>
</tr>
<tr>
<td></td>
<td>Trout - Spring Closed Season (11)</td>
</tr>
<tr>
<td>Mundelein Park District Ponds, City of</td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Mundelein</td>
<td>Channel Catfish - 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass - 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Nashville City Lake, City of Nashville</td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Washington County</td>
<td>Channel Catfish - 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass - 18&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Newton Lake, Newton Lake State Fish and</td>
<td>All Fish - 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Wildlife Area (41)</td>
<td>Channel Catfish - 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Jasper County</td>
<td>Large or Smallmouth Bass - 18&quot; Minimum Length Limit</td>
</tr>
<tr>
<td></td>
<td><strong>Recreational Use Restrictions</strong></td>
</tr>
<tr>
<td></td>
<td>The cold water arm of the Newton Lake shall be closed to all fishing and</td>
</tr>
<tr>
<td></td>
<td>boat traffic except for legal waterfowl hunters during waterfowl season</td>
</tr>
<tr>
<td></td>
<td>commencing with regular duck season</td>
</tr>
</tbody>
</table>
### Illinois Register

**Department of Natural Resources**

**Notice of Adopted Rules**

<table>
<thead>
<tr>
<th>Area</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Fish</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass (14)</td>
</tr>
<tr>
<td></td>
<td>White, Black, or Hybrid Crappie (15)</td>
</tr>
<tr>
<td>Norris City Reservoir, City of Norris City</td>
<td>White County</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Norris City Reservoir, City of Norris City</th>
<th>White County</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
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<td>15&quot; Minimum Length Limit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>North Marcum Campground Pond, U.S. Army Corps of Engineers</th>
<th>Franklin County</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational Use Restrictions</td>
<td>Fishing permitted only by persons under 16 years of age</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Fish</td>
<td>2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td></td>
<td>Channel Catfish</td>
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<td>14&quot; Minimum Length Limit</td>
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<tr>
<td></td>
<td>Large or Smallmouth Bass (14)</td>
<td>3 Fish Daily Creel Limit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Oakford Conservation Area (Menard County)</th>
<th>Menard County</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>2 Pole and Line Fishing Only (1)</td>
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<tr>
<td></td>
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<tr>
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<td>14&quot; Minimum Length Limit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Oakland City Lake, City Lake, City of Oakland</th>
<th>Coles County</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Oblong Lake, City of Oblong</th>
<th>Crawford County</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>2 Pole and Line Fishing Only (1)</td>
</tr>
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</tr>
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<td>15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td></td>
<td>Large or Smallmouth Bass (14)</td>
<td>3 Fish Daily Creel Limit</td>
</tr>
</tbody>
</table>
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Ohio River (between Illinois & Kentucky), State of Illinois
Multiple Counties (19)
  Large or Smallmouth Bass - 12" Minimum Length Limit
  Northern Pike - No Length or Creel Limit
  Muskie or Tiger Muskie - 2 Fish Daily Creel Limit
  Muskie or Tiger Muskie - 30" Minimum Length Limit
  Walleye, Sauger, or Hybrid Walleye(14) - 10 Fish Daily Creel Limit
  White, Black, or Hybrid Crappie (15) - 30 Fish Daily Creel Limit
  Striped, White, Yellow or Hybrid Striped Bass - 30 Creel/4 Fish 15" or Longer Daily (32)

Ohio River – Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19)
Multiple Counties
  Large and Smallmouth Bass - 12" Minimum Length Limit

Old Kinmundy Reservoir, City of Kinmundy
Marion County
  All Fish - 2 Pole and Line Fishing Only (1)(5)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15" Minimum Length Limit

Olson Lake, Rock Cut State Park
Winnebago County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14" Minimum Length Limit
  Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Omaha City Reservoir, City of Omaha
Gallatin County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14" Minimum Length Limit

Otter Lake, Otter Lake Water Commission
Macoupin County
  Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
NOTICE OF ADOPTED RULES

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass (16) - 10 Creel/3 Fish 17” or Longer Daily (17)
Pure Muskellunge - 48” Minimum Length Limit (40)

Palmyra – Modesto Water Commission Lake, Palmyra/Modesto Water Commission
Macoupin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Recreational Use Restrictions - All live bait in excess of 8” must be rigged with a quick set rig (43)

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish - 8” Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Pana Lake, City of Pana
Shelby and Christian Counties

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Paris East & West Lakes, City of Paris
Edgar County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area (see also Willow Lake for additional regulations)
St Clair County
All Fish - 2 Pole and Line Fishing Only (1) (34)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 9” Minimum Length Limit
Pecatonica River and Tributaries, State of Illinois
Winnebago/Stephenson Counties
Smallmouth Bass - 14” Minimum Length Limit

Pekin Lake
Tazewell County

Perry Farm Pond, Bourbonnais Park District
Kankakee County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Piasa (19)
Madison / Jersey Counties

Pierce Lake, Rock Cut State Park
Winnebago County
Recreational Use Restrictions
- All live bait in excess of 8” must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1) (7)
Bluegill or Redear Sunfish - 8” Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit
Pure Muskellunge - 48” Minimum Length Limit (40)
White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Pike County Conservation Area (19)
Pike County

Pickneyville Lake, City of Pickneyville
Perry County
Large or Smallmouth Bass - 18” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Pine Creek
### Notice of Adopted Rules

**Ogle County**
- Trout - Spring Closed Season (11)

**Pine Creek (within the boundaries of White Pines Forest State Park)**
- Ogle County: All Fish - 2 Pole and Line Fishing Only (1), Trout - Spring Closed Season (11)

**Pine Lake, Village of University Park**
- Will County: All Fish - 2 Pole and Line Fishing Only (1), Channel Catfish - 6 Fish Daily Creel Limit

**Piscasaw Creek**
- McHenry County: Trout - 9” Minimum Length Limit

**Pittsfield City Lake, City of Pittsfield**
- Pike County: All Fish - 2 Pole and Line Fishing Only (1) (7), Large or Smallmouth Bass - 14” Minimum Length Limit, Striped, White, or Hybrid Striped Bass - 17” Minimum Length, Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit, White, Black, or Hybrid Crappie - 9” Minimum Length Limit

**Pocahontas Park Ponds, City of Pocahontas**
- Bond County: All Fish - 2 Pole and Line Fishing Only (1), Channel Catfish - 6 Fish Daily Creel Limit

**Powerton Lake, Powerton Lake Fish and Wildlife Area (39)**
- Tazewell County: *Recreational Use Restrictions* (Powerton Lake shall be closed to boat traffic except for legal waterfowl hunters from one week prior to regular waterfowl season to February 15, and closed to all unauthorized entry during regular Canada goose and duck seasons).
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

| All Fish | 2 Pole and Line Fishing Only (1) |
| Channel or Blue Catfish (14) | 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | 18” Minimum Length Limit |
| Large or Smallmouth Bass (14) | 1 Fish Daily Creel Limit |
| Striped, White, or Hybrid Striped Bass (16) | 10 Creel/3 Fish 17” or Longer Daily (17) |
| Walleye, Sauger, or Hybrid Walleye (14) | 3 Fish Daily Creel Limit |
| Walleye, Sauger, or Hybrid Walleye | 18” Minimum Length Limit |

Prospect Pond, City of Moline
Rock Island County
Trout - Fall Closed Season (10)

Pyramid State Park – Captain, Denmark and Galum Areas – All Lakes and Ponds, Pyramid State Park
Perry County
Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting prohibited from October 15 through March 1) Fishing is permitted from March 1 until 10 days prior to the start of the regular duck season; fishing at other times of the year is illegal and not permitted

| All Fish | 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish | 8” Minimum Length Limit |
| Bluegill or Redear Sunfish (14) | 10 Fish Daily Creel Limit |
| Channel Catfish | 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | 18” Minimum Length Limit |
| Large or Smallmouth Bass (14) | 1 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | 9” Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | 10 Fish Daily Creel Limit |

Pyramid State Park Lakes & Ponds (excluding Captain, Denmark and Galum Areas), Pyramid State Park
Perry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramsey Lake, Ramsey Lake State Park</td>
<td>Fayette County</td>
<td>All Fish - 2 Pole and Line Fishing Only (1) Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit Channel Catfish - 6 Fish Daily Creel Limit Large or Smallmouth Bass - 14&quot; Minimum Length Limit White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit White, Black, or Hybrid Crappie - 9&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Ramsey Lake State Park Ponds, Ramsey Lake State Park</td>
<td>Fayette County</td>
<td>All Fish - 2 Pole and Line Fishing Only (1) Channel Catfish - 6 Fish Daily Creel Limit Large or Smallmouth Bass - 14&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Randolph County Lake, Randolph County Conservation Area</td>
<td>Randolph County</td>
<td>All Fish - 2 Pole and Line Fishing Only (1) Channel Catfish - 6 Fish Daily Creel Limit Large or Smallmouth Bass - 14&quot; Minimum Length Limit Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit Trout - Fall Closed Season (10)</td>
</tr>
<tr>
<td>Red Hills Lake, Red Hills Lake State Park</td>
<td>Lawrence County</td>
<td>All Fish - 2 Pole and Line Fishing Only (1) Bluegill or Redear Sunfish - 8” Minimum Length Limit Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit Channel Catfish - 6 Fish Daily Creel Limit Large or Smallmouth Bass - 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Red’s Landing Wildlife Management Area</td>
<td>Calhoun County</td>
<td>(Walk-in area closed to trespassing 7 days prior to duck season)</td>
</tr>
<tr>
<td>Redwing Slough / Deer Lake</td>
<td>Lake County</td>
<td></td>
</tr>
<tr>
<td>Rend Lake, U.S. Army Corps of Engineers</td>
<td></td>
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</tr>
</tbody>
</table>
Franklin and Jefferson Counties

Channel Catfish - All jugs must be attended at all times while fishing (2)
Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, Yellow, or Hybrid Striped Bass (8)
White, Black or Hybrid Crappie (15) - 25 Creel/5 Fish 10” or Longer Daily

Rend Lake Project Ponds – Jackie Branch Pond, Ina N. Borrow Pit, Green Heron Pond, North Marcum Campground Pond, U.S. Army Corps of Engineers

Recreational Use Restrictions

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Rice Lake Fish and Wildlife Area (33)

Fulton County

Ridge Lake, Fox Ridge State Park

Coles County

Recreational Use Restrictions

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 14" Minimum Length Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Riis Park Lagoon, Chicago Park District

Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Riprap Landing (19)

Calhoun County

Riverside Park Lagoon, Moline Park District

Rock Island County
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Rock Creek, State of Illinois
Kankakee County
Trout - Spring Closed Season (11)

Rock River Basin—Special Management Zone (Fordham Dam to Oregon Dam, including tributaries)

Ogle/Winnebago County
Large or Smallmouth Bass - 12”-16” Protected Slot Length Limit (no possession) (37)
Large or Smallmouth Bass (14) - 1 Fish over 16” and 2 fish under 12” Creel Limit

Rock River Basin—Special Management Zone (from Oregon Dam to State Route 2 Highway Bridge at Grand Detour, including all tributaries)
Ogle County
Large or Smallmouth Bass - Catch and Release Fishing Only (9)

Rock River, Wisconsin State Line downstream to confluence of the Mississippi River, including tributaries, State of Illinois
Multiple Counties
Smallmouth Bass - 14” Minimum Length Limit

Rock Springs Bike Trail Pond, Macon County Conservation District
Macon County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Rock Springs Pond, Macon County Conservation District
Macon County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

Roodhouse Park Lake, City of Roodhouse
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Green County
  All Fish          - 2 Pole and Line Fishing Only (1)
  Channel Catfish  - 6 Fish Daily Creel Limit

Route 154 Day Use Pond, State of Illinois
Randolph County
  All Fish          - 2 Pole and Line Fishing Only (1)
  Channel Catfish  - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15" Minimum Length Limit
  Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Sag Quarry East, Cook County Forest Preserve District
Cook County
  Rainbow Trout    - Spring Closed Season (11)

Sahara Woods Fish and Wildlife Area, State of Illinois
Saline County
  All Fish          - 2 Pole and Line Fishing Only (1)
  Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
  Channel Catfish  - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 18" Minimum Length Limit
  Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
  White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

St. Elmo South Lake, City of St. Elmo
Fayette County
  All Fish          - 2 Pole and Line Fishing Only (1)
  Channel Catfish  - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14" Minimum Length Limit

Salem Reservoir, City of Salem
Marion County
  All Fish          - 2 Pole and Line Fishing Only (1) (5)
  Channel Catfish  - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14" Minimum Length Limit

Sam Dale Lake, Sam Dale Conservation Area
Wayne County
  All Fish          - 2 Pole and Line Fishing Only (1)(5)
**DEPARTMENT OF NATURAL RESOURCES**

**NOTICE OF ADOPTED RULES**

<table>
<thead>
<tr>
<th>Location</th>
<th>Regulations</th>
</tr>
</thead>
</table>
| Sam Dale Trout Pond, Sam Dale Conservation Area | **Wayne County**  
  - Channel Catfish: 6 Fish Daily Creel Limit  
  - Large or Smallmouth Bass: 14" Minimum Length Limit  
  - **Sam Parr Lake, Sam Parr State Park**  
  - Jasper County  
  - Channel Catfish: 6 Fish Daily Creel Limit  
  - Large or Smallmouth Bass: 14" Minimum Length Limit  
  - **Sand Lake, Illinois Beach State Park**  
  - Lake County  
  - Channel Catfish: 6 Fish Daily Creel Limit  
  - Large or Smallmouth Bass: 15" Minimum Length Limit  
  - **Sandy Creek Basin—Special Management Zone (river mainstem and tributaries)**  
  - Marshall County  
  - Large or Smallmouth Bass: Catch and Release only Season  
  - No Harvest May 1 through June 15 (9)  
  - **Sanganois Conservation Area (33) (42)**  
  - Mason/Cass/Schuyler/Menard Counties  
  - **Sangchris Lake, Sangchris Lake State Park**  
  - Christian/Sangamon Counties  
  - Recreational Use Restrictions  
  - (Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. Fishing shall be prohibited in the east and west arms of the lake during the period from 10 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.

All Fish - 2 Pole and Line Fishing Only (1) (34)
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 10” Minimum Length Limit

Sangchris Lake Park Ponds, Sangchris Lake State Park
Sangamon County
All Fish - 2 Pole and Line Fishing Only (1)

Schiller Pond, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1) (36)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Schuy-Rush Lake, City of Rushville
Schuyler County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
White, Black or Hybrid Crappie - 9” Minimum Length Limit

Senior Citizen’s Pond, Kankakee River State Park
Kankakee County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park
DeKalb County
Recreational Use Restrictions - All live bait in excess of 8” must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1) (7)
Illinois Register

Department of Natural Resources

Notice of Adopted Rules

Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit
Pure Muskellunge - 48” Minimum Length Limit (40)
Striped, White, or Hybrid Striped Bass - 17” Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye - 18” Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Shawnee National Forest Lakes and Ponds less than 10 acres, U.S. Forest Service
Multiple Counties
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S. Forest Service
Pope County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth and Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Dutchman Lake, U.S. Forest Service
Johnson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Lake Glendale, U.S. Forest Service
Pope County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Little Cache #1, U.S. Forest Service
Johnson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth or Smallmouth Bass - 15” Minimum Length Limit
Shawnee National Forest – Little Cedar Lake, U.S. Forest Service
Jackson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – One Horse Gap Lake, U.S. Forest Service
Pope County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Pounds Hollow Lake, U.S. Forest Service
Gallatin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Tecumseh Lake, U.S Forest Service
Hardin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Turkey Bayou, U.S. Forest Service
Jackson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Shawnee National Forest – Whoopie Cat Lake, U.S. Forest Service
Hardin Counties
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15” Minimum Length Limit

Sherman Park Lagoon, Chicago Park District
Cook County
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Siloam Springs Lake, Siloam Springs State Park
Adams County
All Fish - 2 Pole and Line Fishing Only (1) (7)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Siloam Springs State Park Buckhorn Unit Waters, Siloam Springs State Park
Brown County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Bluegill or Redear Sunfish - 8” Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Large and Smallmouth Bass - 18” Minimum Length Limit
Large and Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Silver Lake, Dupage County Forest Preserve District
Dupage County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Larger or Smallmouth Bass - 14” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Fish and Wildlife Area
Kendall County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Skokie Lagoons, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1) (36)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye - 18” Minimum Length Limit

Small Pit Pond, Boone County Conservation District
Boone County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Snakeden Hollow State Fish and Wildlife Area – McMaster Lake & Other Site Waters, State of Illinois
Knox County
Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting prohibited from October 1 through the end of the Canada goose season)
- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Pure Muskellunge - 42” Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15) - 5 Fish Daily Creel Limit

Sparta City Lakes, City of Sparta
Randolph County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit

Sparta “T” Lake, City of Sparta
Randolph County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish - 8” Minimum Length Limit
<table>
<thead>
<tr>
<th>Fish</th>
<th>Creel Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bluegill or Redear Sunfish (14)</td>
<td>15 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Channel Catfish</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie</td>
<td>9” Minimum Length Limit</td>
</tr>
<tr>
<td>White, Black, or Hybrid Crappie (15)</td>
<td>10 Fish Daily Creel Limit</td>
</tr>
</tbody>
</table>

Spencer Lake, Boone County Conservation District  
**Boone County**  
- All Fish - 2 Pole and Line Fishing Only (1)  
- Channel Catfish - 6 Fish Daily Creel Limit  
- Large or Smallmouth Bass - 14” Minimum Length Limit  
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Spring Lake, City of Macomb  
**McDonough County**  
**Recreational Use Restrictions** - All live bait in excess of 8" must be rigged with a quick set rig (43)  
- All Fish - 2 Pole and Line Fishing Only (1) (5)  
- Channel Catfish - 6 Fish Daily Creel Limit  
- Large or Smallmouth Bass - 15” Minimum Length Limit  
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit  
- Striped, White, or Hybrid Striped Bass - 17” Minimum Length Limit  
- Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Spring Lakes (North & South), Spring Lake Conservation Area (33)  
**Tazewell County**  
**Recreational Use Restrictions** - All live bait in excess of 8" must be rigged with a quick set rig (43)  
- All Fish - 2 Pole and Line Fishing Only (1) (7)  
- Channel Catfish - 6 Fish Daily Creel Limit  
- Large or Smallmouth Bass - 15” Minimum Length Limit  
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit  
- Pure Muskellunge - 48” Minimum Length Limit (40)  
- White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit  
- White, Black, or Hybrid Crappie - 9” Minimum Length Limit

Spring Pond, Flagg-Rochelle Park District  
**Ogle County**
### DEPARTMENT OF NATURAL RESOURCES

#### NOTICE OF ADOPTED RULES

<table>
<thead>
<tr>
<th>Location</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fish</td>
<td>- 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 14&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 1 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Starved Rock State Park (19)</td>
<td></td>
</tr>
<tr>
<td>LaSalle County</td>
<td></td>
</tr>
<tr>
<td>Staunton City Lake, City of Staunton</td>
<td>Macoupin County</td>
</tr>
<tr>
<td>Recreational Use Restrictions</td>
<td>- All live bait in excess of 8&quot; must be rigged with a quick set rig (43)</td>
</tr>
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<td>- 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>- 6 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass (14)</td>
<td>- 3 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Steven A. Forbes State Park (19)</td>
<td>(see also Forbes State Lake and Forbes State Park Ponds)</td>
</tr>
<tr>
<td>Marion County</td>
<td></td>
</tr>
<tr>
<td>Sterling Lake, Lake County Forest Preserve District</td>
<td>Marston County</td>
</tr>
<tr>
<td>Recreational Use Restrictions</td>
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<td>Large or Smallmouth Bass (14)</td>
<td>- 1 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 15&quot; Minimum Length Limit</td>
</tr>
<tr>
<td>Pure Muskellunge</td>
<td>- 48” Minimum Length Limit</td>
</tr>
<tr>
<td>Storm Lake, DeKalb Park District</td>
<td></td>
</tr>
<tr>
<td>DeKalb County</td>
<td></td>
</tr>
<tr>
<td>All Fish</td>
<td>- 2 Pole and Line Fishing Only (1)</td>
</tr>
<tr>
<td>Channel Catfish</td>
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</tr>
<tr>
<td>Large or Smallmouth Bass</td>
<td>- 1 Fish Daily Creel Limit</td>
</tr>
<tr>
<td>Stump Lake Wildlife Management Area (33)</td>
<td>Jersey County</td>
</tr>
</tbody>
</table>

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*Note: The regulations are effective for the fishing seasons indicated.*
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Sunset Lake, Champaign County Forest Preserve District
Champaign County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish - 8 Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Tampier Lake, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (36)
Bluegill or Redear Sunfish - 8" Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit

Taylorville Park District Pond, Taylorville Park District
Christian County
All Fish - 2 Pole and Line Fishing Only (1)

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area
Hamilton/Jefferson Counties (19)
(Areas designated as refuge are closed to all access during the Canada goose season)
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Tilton City Lake, City of Tilton
Vermilion County
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Toledo Reservoir, City of Toledo
Cumberland County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Turkey Bluff Ponds, State of Illinois
Randolph County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large and Smallmouth Bass - 15” Minimum Length Limit
  Large and Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Turner Lake, Chain O’Lakes State Park
Lake County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15” Minimum Length Limit

Tuscola City Lake, City of Tuscola
Douglas County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 14” Minimum Length Limit

Union County Conservation Area
Union County
(All fishing and boat traffic prohibited October 15-March 1)

Valley Lake, Wildwood Park District
Lake County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15” Minimum Length Limit
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Valmeyer Lake, City of Valmeyer
Monroe County
  All Fish - 2 Pole and Line Fishing Only (1)
  Channel Catfish - 6 Fish Daily Creel Limit
  Large or Smallmouth Bass - 15” Minimum Length Limit
  Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Vanhorn Woods Pond, Plainfield Park District
### NOTICE OF ADOPTED RULES

**Will County**
- **All Fish**: 2 Pole and Line Fishing Only (1)
- **Channel Catfish**: 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass**: 15" Minimum Length Limit
- **Large or Smallmouth Bass (14)**: 1 Fish Daily Creel Limit

**Vermillion County**
- **Large or Smallmouth Bass**: 15" Minimum Length Limit
- **Large or Smallmouth Bass (14)**: 1 Fish Daily Creel Limit

**Vernor Lake, City of Olney**
**Richland County**
- **All Fish**: 2 Pole and Line Fishing Only (1)
- **Channel Catfish**: 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass**: 14" Minimum Length Limit

**Villa Grove East Lake, City of Villa Grove**
**Douglas County**
- **All Fish**: 2 Pole and Line Fishing Only (1)
- **Channel Catfish**: 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass**: 14" Minimum Length Limit

**Villa Grove West Lake, City of Villa Grove**
**Douglas County**
- **All Fish**: 2 Pole and Line Fishing Only (1)
- **Channel Catfish**: 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass**: 14" Minimum Length Limit
- **Trout**: Fall Closed Season (10)

**Virginia City Reservoir, City of Virginia**
**Cass County**
- **All Fish**: 2 Pole and Line Fishing Only (1)
- **Channel Catfish**: 6 Fish Daily Creel Limit
- **Large or Smallmouth Bass**: 15" Minimum Length Limit

**Waddams Creek**
**Stephenson County**
- **Trout**: Spring Closed Season (11)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Walnut Point Lake, Walnut Point State Fish and Wildlife Area
Douglas County
   All Fish - 2 Pole and Line Fishing Only (1)
   Bluegill or Redear Sunfish - 8” Minimum Length Limit
   Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 12-15” Slot Length Limit (3)

Walton Park Lake, City of Litchfield
Montgomery County
   All Fish - 2 Pole and Line Fishing Only (1)
   Bluegill or Redear Sunfish - 8” Minimum Length Limit
   Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15” Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Wampum Lake, Cook County Forest Preserve District
Cook County
   All Fish - 2 Pole and Line Fishing Only (1) (36)
   Bluegill or Redear Sunfish - Catch and Release Only (9)
   Large or Smallmouth Bass - 14” Minimum Length Limit

Washington County Lake, Washington County Conservation Area
Washington County
   All Fish - 2 Pole and Line Fishing Only (1) (5)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 14” Minimum Length Limit
   Striped, White, or Hybrid Striped Bass - 17” Minimum Length Limit
   Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Washington Park Lagoon, Chicago Park District
Cook County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit

Washington Park Pond, Springfield Park District
Sangamon County
   All Fish - 2 Pole and Line Fishing Only (1)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Channel Catfish - 3 Fish Daily Creel Limit
   - Fall Closed Season (10)
   - Spring Closed Season (11)

Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Waverly Lake, City of Waverly
Morgan County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15" Minimum Length Limit

Weinberg-King Pond, Weinberg-King State Park
Schuyler County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit

Weldon Springs Lake, Weldon Springs State Park
DeWitt County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15" Minimum Length Limit
   Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

West Frankfort New City Lake, City of West Frankfort
Franklin County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 15" Minimum Length Limit
   Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

West Frankfort Old City Lake, City of West Frankfort
Franklin County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit

West Salem Reservoir, City of West Salem
Edwards County
   All Fish - 2 Pole and Line Fishing Only (1)
   Channel Catfish - 6 Fish Daily Creel Limit
   Large or Smallmouth Bass - 14" Minimum Length Limit
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

White Hall City Lake, City of White Hall
Greene County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

White Oaks Lake, City of Bloomington
McLean County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Wilderness Pond, Fox Ridge State Park
Coles County
(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 5 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 18” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Wildlife Prairie State Park, State of Illinois
Peoria County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-18” Protected Slot Length Limit (no possession allowed within the protected slot length limit)
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
White, Black or Hybrid Crappie - 9” Minimum Length Limit
White, Black or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
Pure or Hybrid Muskellunge - 42” Minimum Length Limit

William W. Powers Conservation Area (33)
Cook County

Willow Lake, Peabody River King State Conservation Area
St. Clair County
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 9” Minimum Length Limit
Trout - Fall Closed Season (10)

Wolf Lake, William W. Powers Conservation Area (33)
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14” Minimum Length Limit

Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area (33)
Woodford County
All Fish - 2 Pole and Line Fishing Only (1)

Woodlawn Pond, Frankfort Square Park District
Will County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Wyman Lake, City of Sullivan
Moultrie County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15” Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

Yellow Creek
Stephenson County
Trout - Spring Closed Season (11)

(Source: Amended at 27 Ill. Reg. 3376, effective February 14, 2003)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Section 810.50 Bait Fishing

a) Statewide regulations.
   1) Legal sized cast nets, shad scoops, and minnow seines may be used to obtain shad, minnows and crayfish to use as bait, provided that they are not sold or bartered. All cast nets shall be not larger than 8 feet in diameter or of a mesh size not larger than \(\frac{3}{8}\) inch bar measurement. All shad scoops shall be not larger than 30 inches in diameter or of a mesh size not larger than \(\frac{1}{2}\) inch bar measurement or longer than 4 feet in length. Minnow seines shall not be longer than 20 feet, deeper than 6 feet or contain mesh size larger than \(\frac{1}{2}\) inch bar measurement.

   2) Minnows and crayfish may be collected with traps of metal screen or hardware cloth, plastic, or nylon mesh or netting. Such traps may not be more than 24 inches in width or diameter or more than 36 inches in length nor use a mesh of more than \(\frac{1}{2}\) inch bar measurement. Each entrance aperture may not exceed 1.5 inches in diameter. If unattended, such devices must be tagged with the name and mailing address of the person operating the device. Minnows and crayfish collected in such devices may only be taken for personal use and may not be sold or bartered.

   3) Persons possessing a valid sport fishing license or combination hunting and fishing license may not take mussel.


   5) Injurious Species: The use of live injurious species (as described in 17 Ill. Adm. Code 805) as bait is prohibited. Possession of live specimens, progeny thereof, viable eggs, or gametes is prohibited. The use of living river ruffe as bait is prohibited.

   6) The use of living gobies (round, tubenose) as bait is prohibited.

   7) The use of living rusty crayfish as bait is prohibited.

   8) The use of living rudd as bait is prohibited.

b) Site specific regulations.
   None.

(Source: Amended at 27 Ill. Reg. 3376, effective February 14, 2003)

Section 810.70 Free Fishing Days

During the period of June 6, 7, 8, 9, 2003, 7, 8, 9, 10, 2002, it shall be legal for any person to fish
in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license, salmon stamp or inland trout stamp.

(Source: Amended at 27 Ill. Reg. 3376, effective February 14, 2003)
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Registration and Operator Requirements for Radiation Installations

2) **Code Citation:** 32 Ill. Adm. Code 320

3) **Section Numbers:**
   
<table>
<thead>
<tr>
<th>Adopted Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>320.10 Amendment</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/24.7, 25 and 25.1].

5) **Effective Date of Amendments:** February 17, 2003

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 at the Department’s headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:**
   
   November 22, 2002 (26 Ill. Reg. 16902)

10) **Has JCAR issued a Statement of Objections to these Amendment?** No

11) **Differences between proposal and final version:**

    a) In line 79, delete the underscored text and restore the stricken text.

    b) In line 81, delete “(A)”.

    c) Delete lines 84-86.

    d) Delete the chart following line 87.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

13) Will these amendments replace an emergency rule currently in effect? No
14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This amendment will increase the annual radiation machine registration fee paid by every operator of a radiation installation.

16) Information and questions regarding these adopted amendments shall be directed to:

Rob Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 320
REGISTRATION AND OPERATOR REQUIREMENTS FOR
RADIATION INSTALLATIONS

Section 320.10  Registration

a) For purposes of registration pursuant to this Part, the phrase “radiation installation” shall mean any location or facility where radiation machines are located.

b) Installation Registration

1) Any operator of a radiation installation shall register such radiation installation with the Department of Nuclear Safety (Department). The
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

operator shall register the installation, before the installation is placed in
operation, on a form prescribed by the Department which shall include:
A) The operator's name;

B) The location and confines of the radiation installation; and

C) The type, manufacturer, model, serial number and room location of
radiation machines possessed.

2) Radiation machines that are located in a single building or in a group of
buildings that are contiguous to one another, and used by the same
operator, shall be treated as a single radiation installation unless requested
otherwise in writing by the operator and approved by the Department.

c) Installation Classifications

Radiation installations shall be divided into the following 4 classes:

1) Class A - Class A shall include dental offices and veterinary offices with
radiation machines used solely for diagnosis and all installations using
commercially manufactured cabinet radiographic/fluoroscopic radiation
machines. [420 ILCS 40/25(f)] Class A installations shall be inspected at
intervals not exceeding 5 years.

2) Class B - Class B shall include offices or clinics of persons licensed under
the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of
1987 with radiation machines used solely for diagnosis and all
installations using spectroscopy radiation machines, noncommercially
manufactured cabinet radiographic/fluoroscopic radiation machines,
portable radiographic/fluoroscopic units, non-cabinet baggage/package
fluoroscopic radiation machines and electronic beam welders. [420 ILCS
40/25(f)] Class B installations shall be inspected at intervals not exceeding
2 years.

3) Class C - Class C shall include installations using diffraction radiation
machines, open radiography radiation machines, closed radiographic/
fluoroscopic radiation machines and radiation machines used as gauges.
Test booths, bays, or rooms used by manufacturing, assembly or repair
facilities for testing radiation machines shall be categorized as Class C
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

radiation installations. [420 ILCS 40/25(f)] Class C installations shall be inspected at intervals not exceeding 1 year.

4) Class D – Class D shall include all hospitals and all other facilities using mammography, computed tomography (CT), or therapeutic radiation machines. [420 ILCS 40/25(f)] Class D installations shall be inspected at intervals not exceeding 1 year.

d) Machine Registration

1) Every operator of a radiation installation shall register radiation machines annually on a form prescribed by the Department.

2) An annual registration fee for each machine possessed on January 1 of each year shall be submitted with the registration form. This fee, based on the type of facility and radiation machines possessed, is listed in this subsection (d)(2) as follows:

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Fee Per Radiation Machine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A – Dental and veterinary offices.</td>
<td>$ 35.24</td>
</tr>
<tr>
<td>Class A – Installations only using commercially manufactured cabinet radiation machines.</td>
<td>$ 50.26</td>
</tr>
<tr>
<td>Class B – Offices or clinics of persons Licensed under the Medical Practice Act, and all installations using portable radiographic/fluoroscopic units.</td>
<td>$ 110.50</td>
</tr>
<tr>
<td>Class B - Podiatric offices.</td>
<td>$ 70.37.50</td>
</tr>
<tr>
<td>Class B – All installations using spectroscopy, non-commercially manufactured cabinet units, non-cabinet baggage/package units, and/or electron beam welders.</td>
<td>$ 110.50</td>
</tr>
</tbody>
</table>
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

Class C – Installations using $170.90
diffraction, open or closed radiography machines, x-ray gauges, and installations with test booths, bays or rooms used by manufacturing, assembly or repair facilities for testing radiation machines.

Class D – All hospitals and other $70.35
facilities using mammography, computed tomography (CT), or therapeutic radiation machines.

3) Radiation installations for which more than one class is applicable shall be assigned the classification requiring the most frequent inspection [420 ILCS 40/25(f-1)] and resultant fee.

4) Radiation installations not specified as Class A, B, C or D shall be assigned an inspection interval, classification and resultant fee by the Department, based on the radiation machines’ use and associated radiation hazard.

5) The Department shall bill the operator for the registration fee as soon as practical after January 1. The registration fee shall be due and payable within 60 days after the date of billing. If after 60 days the registration fee is not paid, the Department may issue an order directing the operator of the installation to cease use of all radiation machines or take other appropriate enforcement action as provided in Section 36 of the Act. Fees collected under this the Section are not refundable. [420 ILCS 40/24.7]

(Source: Amended at 27 Ill. Reg. 3465, effective February 17, 2003)
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Accrediting Persons in the Practice of Medical Radiation Technology

2) **Code Citation:** 32 Ill. Adm. Code 401

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Adopted Action</th>
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<tbody>
<tr>
<td>401.20</td>
<td>Amendment</td>
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<tr>
<td>401.40</td>
<td>Amendment</td>
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<td>401.80</td>
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<td>401.100</td>
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<td>401.110</td>
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<tr>
<td>401.120</td>
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<td>401.130</td>
<td>Amendment</td>
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<tr>
<td>401.140</td>
<td>Amendment</td>
</tr>
<tr>
<td>401.160</td>
<td>Amendment</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

5) **Effective Date of Amendments:** February 17, 2003

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 at the Department’s headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:**

   November 8, 2002 (26 Ill. Reg. 16406)

10) **Has JCAR issued a Statement of Objections to these Amendment?** No

11) **Differences between proposal and final version:**
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

a) In Section 401.80, line 377, change “party(s)” to “party or facility”.

b) In Section 401.110, line 491, change “Radiography” to “Medical Radiography”.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR did not issue an agreement letter to the Department regarding this amendment.

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) **Summary and Purpose of Amendments:** This amendment will: (1) increase the application fee paid by an applicant seeking industrial radiographer certification; (2) specify that the Department may refuse to issue or renew a certification in addition to suspending or revoking it; and (3) allow the Department to suspend, revoke, refuse to issue or renew accreditation of an individual for making a false material statement during Department business.

16) Information and questions regarding these adopted amendments shall be directed to:

    Louise Michels
    Staff Attorney
    Department of Nuclear Safety
    1035 Outer Park Drive
    Springfield, Illinois 62704
    (217) 524-0770 (voice)
    (217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY

Section
401.10 Policy and Scope
401.20 Definitions
401.30 Exemptions
401.40 Application for Accreditation
401.50 Categories of Accreditation
401.60 Examination Requirements
401.70 Acceptable Examinations
401.80 Approved Program
401.90 Practice Requirement - Initial Licensure (Repealed)
401.100 Initial Issuance of Accreditation
401.110 Duration of Accreditation
401.120 Suspension, Revocation and Denial of Accreditation
401.130 Fees
401.140 Requirements for Renewal of Accreditation
401.150 Reciprocity
401.160 Additional Requirements for Radiographers Performing Mammography
401.170 Civil Penalties

APPENDIX A  Limited Diagnostic Radiography Procedures by Type of Limited Accreditation

APPENDIX B  Example Topics Directly Related to Radiologic Sciences

APPENDIX C  Minimum Training Requirements for Radiographers Performing Mammography

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; Emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT


Section 401.20 Definitions

As used in this Part, the following definitions shall apply:

“Accreditation” - The process by which the Department of Nuclear Safety grants permission to persons meeting the requirements of the Act and the Department's rules and regulations to engage in the practice of administering radiation to human beings. [420 ILCS 40/4]

"Act" - The Radiation Protection Act of 1990 [420 ILCS 40].

“Administers Ionizing Radiation” - see "Applies Ionizing Radiation"

“Applies Ionizing Radiation” - The act(s) of using ionizing radiation for diagnostic or therapeutic purposes. Specifically included are those tasks that have a direct impact on the radiation burden of the patient, e.g.: Positioning of the patient, film and beam; preparation, calibration, and injection of radiopharmaceuticals; imaging or laboratory techniques which if performed improperly would result in the re-administration of radiation; selection of technique or treatment parameters.

“Approved Program” - A program the Department has determined is adequate to prepare students to meet the education requirements prescribed in 42 CFR 75.3 Appendix A, D, and E (1999), exclusive of subsequent amendments or editions. A copy of 42 CFR 75.3 is available for inspection at the Department's offices, 1035 Outer Park Drive, Springfield, IL.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

“Board” - The Radiologic Technologist Accreditation Advisory Board (R.T.A.A.B.).

“Bone Densitometer” - An x-radiation producing device, that is manufactured specifically for, and limited to, bone densitometry.

“Bone Densitometry” - The science and art of applying x-radiation to human beings for determination of site specific bone density.

“Chiropractic Radiographic Assistant” - A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the supervision of a licensed chiropractor.

“Chiropractic Radiography” - The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic.

“Credentialing” - Any process whereby a State government or non-governmental agency or association grants recognition to an individual who meets certain predetermined qualifications.

“Department” - The Illinois Department of Nuclear Safety.

“Direct Supervision” - An individual is in the physical presence of a licensed practitioner or medical radiation technologist who holds active status accreditation and assists, evaluates and approves of the individual's performance of the various tasks involved in the application of ionizing radiation.

“Director” - The Director of the Department of Nuclear Safety.

“Ionizing Radiation” - Gamma rays, and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

“In vitro” - Isolated from the living organism.

“In vivo” - Occurring within the living organism.

“Licensed Practitioner” - A person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic or podiatry.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

“Limited Diagnostic Radiographer-Bone Densitometry” - A person, other than a licensed practitioner, who, while under the supervision of a licensed practitioner, applies x-radiation to humans with a bone densitometer.

“Limited Diagnostic Radiographer-Chest” - A person, other than a licensed practitioner, who, while under the supervision of a licensed practitioner, applies x-radiation to the human chest for diagnostic purposes.

“Limited Diagnostic Radiographer-Extremities” - A person, other than a licensed practitioner, who, while under the supervision of a licensed practitioner, applies x-radiation to the human extremities for diagnostic purposes.

“Limited Diagnostic Radiographer-Skull and Sinuses” - A person, other than a licensed practitioner, who, while under the supervision of a licensed practitioner, applies x-radiation to the human skull and sinuses for diagnostic purposes.

“Limited Diagnostic Radiographer-Spine” - A person, other than a licensed practitioner, who, while under the supervision of a licensed practitioner, applies x-radiation to the human spine for diagnostic purposes.

AGENCY NOTE: Specific radiographic examinations appropriate to each type of limited radiography accreditation may be found in Appendix A of this Part.

“Medical Radiation Technology” - The science and art of performing medical radiation procedures involving the application of ionizing radiation to human beings for diagnostic and therapeutic purposes. The five specialized disciplines of Medical Radiation Technology are Medical Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, Chiropractic Radiography, and Podiatric Radiography.

“Medical Radiographer” - A person, other than a licensed practitioner, who, while under the supervision of a licensed practitioner, applies x-radiation to any part of the human body and who, in conjunction with radiation studies, may administer contrast agents and related drugs for diagnostic purposes.

“Medical Radiography” - The science and art of applying x-radiation to human beings for diagnostic purposes.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

“Nuclear Medicine Technologist” - A person, other than a licensed practitioner, who administrates radiopharmaceuticals and related drugs to human beings for diagnostic purposes, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes. A nuclear medicine technologist may perform such procedures only while under the supervision of a licensed practitioner who is licensed to possess and use radioactive materials.

“Nuclear Medicine Technology” - The science and art of in vivo and in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

“ Radiation Therapist” - A person, other than a licensed practitioner, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes while under the supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.

“Radiation Therapy Technology” - The science and art of applying ionizing radiation emitted from x-ray machines, particle accelerators and sealed radioactive sources to human beings for therapeutic purposes.

“Supervision” - Responsibility for, and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

Section 401.40 Application for Accreditation

a) Any person applying to the Department for initial accreditation or renewal of accreditation shall:

1) submit a complete and legible application form;

2) pay the appropriate application fee in accordance with Section 401.130 of this Part; and

3) provide evidence that he/she has met the requirements for the given category and status of accreditation that which is sought.

b) Persons applying for Active Status Accreditation shall submit evidence of registration, Board certification, or other examination as appropriate pursuant to Section 401.70 of this Part.

c) Persons applying for accreditation in Limited Diagnostic Radiography (i.e., limited-chest, limited-extremities, limited-skull and sinuses, and limited-spine and limited-bone densitometry) shall submit evidence that they have passed the required examinations as specified in Section 401.60 (d)-(h) of this Part.

d) Persons applying for Temporary Accreditation shall submit evidence of graduation from an approved program.

e) Fees and charges collected by the Department shall be paid into the Radiation Protection Fund. Such fees and charges shall be used to defray costs incurred in the administration of this program.

f) Accreditation shall be valid for a specified period of time and shall entitle the individual to privileges consistent with the category and status of accreditation indicated unless the accreditation is suspended or revoked in accordance with Section 401.120 of this Part.

g) The Department shall refuse to issue or renew accreditation to any individual if the Department has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in 20 ILCS 2005/2005-85 §4.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

h) The Department shall refuse to issue or renew accreditation to any individual, after an opportunity for a hearing, if the Department has evidence that the applicant is delinquent in the payment of child support orders pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.50 Categories of Accreditation

a) The Department shall accredit persons in the practice of Medical Radiation Technology in one or more of these specific categories:

1) Medical Radiography;
2) Nuclear Medicine Technology;
3) Radiation Therapy Technology;
4) Chiropractic Radiography; and
5) Limited Diagnostic Radiography.

b) The Department shall recognize the following status conditions for the categories of accreditation:

1) Active - An applicant who meets the requirements as set forth in Section 401.100(a) of this Part.
2) Temporary - An applicant who meets the requirements as set forth in Section 401.100(b) of this Part.
3) Conditional - An applicant who meets the requirements as set forth in Section 401.100(c), or (d) of this Part.
4) Limited-Chest - An applicant who meets the requirements as set forth in Section 401.100(e) of this Part. This status condition is applicable to the category of Limited Diagnostic Radiography only.
5) Limited-Extremities - An applicant who meets the requirements as set
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

forth in Section 401.100(e) of this Part. This status condition is applicable to the category of Limited Diagnostic Radiography only.

6) Limited-Skull and Sinuses - An applicant who meets the requirements as set forth in Section 401.100(e) of this Part. This status condition is applicable to the category of Limited Diagnostic Radiography only.

7) Limited-Spine - An applicant who meets the requirements as set forth in Section 401.100(e) of this Part. This status condition is applicable to the category of Limited Diagnostic Radiography only.

8) Limited-Bone Densitometry - An applicant who meets the requirements as set forth in Section 401.100(e) of this Part. This status condition is applicable to the category of Limited Diagnostic Radiography only.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.60 Examination Requirements

a) Active - Persons who seek active status accreditation in medical radiation technology shall pass a Department approved examination as appropriate to the category of accreditation sought in accordance with Section 401.70 of this Part.

b) Temporary - Persons who seek active status accreditation and are awaiting the successful completion of an examination in accordance with Section 401.70 of this Part may apply for and be issued temporary accreditation. Temporary accreditation shall be valid until the person has passed the appropriate examination and has applied for and been issued active status accreditation. In no case shall temporary accreditation be valid for more than two years from the date of issuance.

c) Conditional - Examination shall not be required for conditional accreditation.

d) Limited Diagnostic Radiographer-Chest - Persons who seek accreditation to perform radiography of the chest, but not any other parts of the body, shall pass a Department approved examination on general radiography topics and a Department approved examination on chest anatomy and clinical skills required to perform radiography of the chest in accordance with Section 401.70(c) of this Part.
e) Limited Diagnostic Radiographer-Extremities - Persons who seek accreditation to perform radiography of the extremities, but not any other parts of the body, shall pass a Department approved examination on general radiography topics and a Department approved examination on anatomy of the extremities and clinical skills required to perform radiography of the extremities in accordance with Section 401.70(c) of this Part.

f) Limited Diagnostic Radiographer-Skull and Sinuses - Persons who seek accreditation to perform radiography of the skull and/or sinuses, but not any other parts of the body, shall pass a Department approved examination on general radiography topics and a Department approved examination on anatomy of the skull and sinuses and clinical skills required to perform radiography of the skull and sinuses in accordance with Section 401.70(c) of this Part.

g) Limited Diagnostic Radiographer-Spine - Persons who seek accreditation to perform radiography of the spine, but not any other parts of the body, shall pass a Department approved examination on general radiography topics and a Department approved examination on anatomy of the spine and clinical skills required to perform radiography of the spine in accordance with Section 401.70(c) of this Part.

h) Limited Diagnostic Radiographer-Bone Densitometry - Persons who seek accreditation to perform bone densitometry must pass a Department approved examination on bone densitometry in accordance with Section 401.70(c) of this Part.

AGENCY NOTE: Persons may seek accreditation in more than one status condition of limited diagnostic radiography.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.70 Acceptable Examinations

a) The Department shall accept for issuance of Active Status Accreditation examinations as identified by this Section. Accreditation shall be specific to the category of examination as specified in subsection (b) of this Section.

b) Examinations as appropriate to category of accreditation are as follows:
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

1) Medical Radiography
   A) The American Registry of Radiologic Technologists (R) (A.R.R.T.), or
      AGENCY NOTE: Graduation from an approved program as set forth in Section 401.80(a) of this Part is a prerequisite for sitting the A.R.R.T. examination.
   B) The American Registry of Clinical Radiography Technologists (A.R.C.R.T.) provided that the applicant passed the A.R.C.R.T. examination after January 1, 1991, and the applicant has graduated from an approved program as set forth in Section 401.80(a) of this Part.

2) Nuclear Medicine Technology
   The American Registry of Radiologic Technologists (N) (A.R.R.T.), the Nuclear Medicine Technology Certification Board (N.M.T.C.B.), the American Society of Clinical Pathologists (NM) (A.S.C.P.).

3) Radiation Therapy Technology

4) Chiropractic Radiography
   American Chiropractic Registry of Radiologic Technologists (ACRRT), provided that the examination was administered after June 30, 1984.
   c) Examinations in Limited Diagnostic Radiography - Applicants for accreditation in one or more areas of limited diagnostic radiography shall have passed a Department approved examination on general radiography topics and a Department approved examination specific to the type of limited accreditation sought. All Department approved examinations shall be approved by and scheduled through the Department. The passing score for Department approved examinations shall be a sealed score of 70 percent.
   d) For Active Status Accreditation, examinations by other certifying organizations shall be accepted upon written request to the Department, provided that the
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT


(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.80 Approved Program

a) The Department shall base its approval of didactic and clinical education for Medical Radiography, Nuclear Medicine Technology, or Radiation Therapy Technology on the standards accepted by the United States Department of Education. (Specific information concerning these standards is available from the Joint Review Committee on Education in Radiologic Technology (JRCERT), 20 North Wacker Dr., Chicago, IL 60606-2901 and from the Department. These standards are entitled: Standards for Educational Programs in Radiological Sciences (1997); Essentials of an Accredited Educational Program for the Nuclear Medicine Technologist (1991), and do not include subsequent amendments or editions.)

b) The Department shall base its approval of didactic and clinical education in Chiropractic Radiography on the standards accepted by the Chiropractic Council on Education (CCE), published January 27, 1985, exclusive of subsequent amendments or editions. Specific information concerning these standards is available from the Department or from the Chiropractic Council on Education, 3209 Ingersoll Avenue, Des Moines, Iowa 50312. Student exemption for persons enrolled in an approved Chiropractic Radiography program shall not exceed 12 months.

c) The Department shall base its approval of didactic and clinical education in Limited Diagnostic Radiography on standards contained in the "Curriculum Guide for Limited Permittee Programs", June 1987, exclusive of subsequent amendments or editions. Copies of these standards are available from the American Society of Radiologic Technologists, 15000 Central Avenue South East, Albuquerque, New Mexico 87123. Students-in-training in Limited Diagnostic Radiography shall be registered with the Department on forms provided by the Department. Registration with the Department shall include application and payment of applicable fees for examination. Students-in-training
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

in Limited Diagnostic Radiography shall not begin application of ionizing radiation to humans prior to the Department's approval of the student's proposed training as identified through the student-in-training registration process. The Department shall refuse to register an individual as a student-in-training when the party or facility(s) responsible for the training of the said student has demonstrated poor training of students as evidenced by either a cumulative failure rate in excess of 50 percent of the trainer's students or 2 consecutive students who fail the examinations specified in Section 401.70(c) of this Part. Such refusal shall not prohibit the trainer from training students in limited radiography through didactic and clinical education exclusive of the application of ionizing radiation to human beings. Successful examinations by students trained in such a manner may be used to demonstrate improved training and qualification for further students-in-training provided that the cumulative failure rate is reduced to less than 50 percent without 2 consecutive failures.

d) If the employer is not identified as the party responsible for training the student, the Department shall register an individual as a student-in-training in the employer's practice only if the student is concurrently enrolled in a program that meets the minimum requirements for a training program in limited radiography established by the Joint Review Committee on Education in Radiologic Technology, published 1997, by the Joint Review Committee on Education, 20 N. Wacker Drive, Suite 900, Chicago, Illinois 60606-2901. Students-in-training in Limited Diagnostic Radiography shall take the appropriate Department approved and practical examinations not later than the eighth month of training. Students shall not perform radiographic procedures beyond the 16 months of training unless the required examinations have been passed.

e) All approved training programs shall include an overview of the Radiation Protection Act of 1990, this Part and related application forms and procedures.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.100 Initial Issuance of Accreditation

a) The Department shall issue Active Status Accreditation in a category of medical radiation technology to persons who have passed an examination as indicated in Section 401.70(b) of this Part. Active Status Accreditation issued after January 1, 1988, shall be valid for 2 years from the date of issuance.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

b) The Department shall issue Temporary Accreditation in a category of medical radiation technology and chiropractic radiography to persons who are awaiting an examination in accordance with Section 401.70(b) of this Part and have completed an approved program. Applicants for Temporary Accreditation must provide specific evidence of the intent to take such an examination, the category of examination to be taken, and the date on which the examination will be taken. Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination. Temporary Accreditation shall be valid until such time as the individual successfully completes the appropriate examination and applies for and is issued Active Status Accreditation in accordance with subsection (a) of this Section, but in no instance longer than 24 months from the date of issuance for medical radiation technology and no longer than 12 months from the date of issuance for Chiropractic Radiography.

c) The Department shall issue Conditional Accreditation Type I in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the Department will consult Health Systems Agencies or County or Local Health Departments, and will evaluate the availability of alternative radiology services and trained personnel. In addition, the Department shall require the applicant's employer or prospective employer to demonstrate that recruitment of qualified personnel, at competitive compensation, has been attempted and unsuccessful. Such demonstration can take the form of documented advertising in publications intended to reach radiologic technologists. If based on the information submitted, the Department determines that qualified personnel cannot be recruited, and that the people in the locality in which the conditional accreditation is sought would be denied adequate health care because of the unavailability of appropriately accredited persons, the Department shall issue Conditional Accreditation Type I which shall be valid for a period of 24 months from the date of issuance.

d) The Department shall issue Conditional Accreditation Type II in a category of medical radiation technology to any person who, 24 months prior to July 1, 1989, was employed in medical radiation technology and who otherwise does not meet the qualifications for accreditation. Conditional accreditation issued pursuant to this Section shall be valid for two years from date of issuance. Issuance shall be contingent upon submitting a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Department in accordance with this Section shall
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

specify the nature of the equipment and procedures which the individual is competent to utilize. The Statement of Assurance must be provided by a licensed practitioner under whose supervision the individual is employed or has been employed at some time within the last twelve months. Conditional accreditation which is issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. An individual who is accredited in accordance with this Section may expand the accreditation to additional procedures and/or equipment by receiving training in accordance with Section 401.30(c)(3) of this Part. After such training, the individual may submit an additional Statement of Assurance from a licensed practitioner under whose supervision the individual is employed as to the additional equipment and procedures which the individual is competent to utilize. However, an individual may not become accredited pursuant to the provisions of this Section for equipment or procedures outside of those in the category of initial accreditation. Nothing in this Section should be interpreted to limit an individual's right to make application for and be issued Active Status Accreditation in accordance with subsection (a) of this Section. The Department shall not issue Conditional Accreditation Type II as provided by this Section after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140 of this Part.

e) The Department shall issue accreditation in one or more areas of Limited Diagnostic Radiography Accreditation to persons who have passed examinations as indicated in Section 401.70(c) of this Part. Such accreditation shall be valid for 2 years from the date of issuance.

f) All persons who have received accreditation from the Department pursuant to the terms of this Section shall provide notice in writing to the Department of any permanent or temporary change in their designated mailing address, or of any change in name due to marriage or for any other reason. Notification to the Department shall be made within 10 days after any such change. Failure of the accredited individual to forward such information to the Department as required by this subsection (f), shall not be considered to be a valid cause for delaying any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Department. See” Notice, Service and Proof of Service”, 32 Ill. Adm. Code 200.50(h).

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

Section 401.110 Duration of Accreditation

a) The duration of initial issuance of Active Status Accreditation, regardless of the category of medical radiation technology, shall be two (2) years. Active Status Accreditation shall be renewable for periods of two (2) years in accordance with meeting the requirements in Section 401.140 of this Part.

b) The duration of Temporary Accreditation shall not exceed two (2) years for the categories of Medical Radiography, Nuclear Medicine Technology, or Radiation Therapy Technology and shall not exceed one year for Chiropractic Radiography. Temporary Accreditation shall not be renewed.

c) The duration of initial issuance of Conditional Accreditation Type I shall be two (2) years, and shall be renewable thereafter for periods of two (2) years. Such renewal shall be based on a re-evaluation by the Department of a condition of community hardship and meeting the requirements of Section 401.140 of this Part.

d) The duration of initial issuance of Conditional Accreditation Type II shall be two years. This accreditation shall be renewable for periods of two (2) years in accordance with meeting the requirements in Section 401.140 of this Part. The renewed accreditation shall be specific to the procedures and equipment indicated in the most recent Statement of Assurance that has been presented to the Department in accordance with Section 401.100(d) of this Part.

e) The duration of initial issuance of accreditation in Limited Diagnostic Radiography shall be two (2) years. This accreditation shall be renewable for periods of two (2) years in accordance with meeting the requirements in Section 401.140 of this Part.

f) The expiration date of a renewed accreditation that has been renewed on or before the expiration of the previous accreditation shall be two (2) years from the expiration date of the previous accreditation. For renewal of accreditation that has lapsed, or that has been surrendered, the expiration shall be two (2) years from the last day of the month in which the application for renewal is processed.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.120 Suspension, Revocation and Denial of Accreditation

a) The Department may act to suspend or revoke an individual's accreditation, or
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

refuse to issue or renew accreditation, for any one or a combination of the following causes:

1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial accreditation or renewal of accreditation if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for accreditation under this Part;

2) **Knowingly making a false material statement to a Department employee during the course of official Department business**;

3) Willfully evading the statute or regulations pertaining to accreditation, or willfully aiding another person in evading such statute or regulations pertaining to accreditation;

4) Performing procedures under or representing as valid to any person either a certificate of accreditation not issued by the Department, or a certificate of accreditation containing on its face unauthorized alterations or changes that are inconsistent with Department records regarding the issuance of such certificate;

5) Having been convicted of a crime **that which** is a felony under the laws of this State or conviction of a felony in a federal court, unless such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;

6) Exhibiting significant or repeated incompetence in the performance of professional duties;

7) Having a physical or mental illness or disability **that which** results in the individual's inability to perform professional duties with reasonable judgment, skill and safety;

8) Continuing to practice medical radiation technology when knowingly having a potentially serious disease, such as those listed in 77 Ill. Adm. Code 690.100, which could be transmitted to patients;
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

98) Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of professional duties;

109) Having had a similar credential by another state or the District of Columbia suspended or revoked if the grounds for that suspension or revocation are the same as or equivalent to one or more grounds for suspension or revocation as set forth in this Section herein;

1149) Failing to repay an educational loan guaranteed by the Illinois Student Assistance Commission as provided in 20 ILCS 2005/2005-85;

1244) Failing to meet child support orders as provided in 5 ILCS 100/10-65; and

1342) Failing to pay a fee or civil penalty properly assessed by the Department.

b) If, based upon any of the grounds in subsection (a) of this Section, the Department determines that action to suspend or revoke accreditation, or refusal to issue or renew accreditation is warranted, the Department shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke an individual's accreditation unless the Department finds that an immediate suspension of accreditation is required to protect against immediate danger to the public health or safety, (see 420 ILCS 40/38), in which case the Department shall suspend an individual's accreditation pending a hearing.

The Department shall revoke or suspend or shall refuse to issue or renew accreditation under subsection (a)(12) of this Section based solely upon the certification of delinquency made by the Department of Public Aid or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the Department shall not be required. [5 ILCS 100/10-65(c)]

c) If the Department finds that removal, or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of accreditation for up to one year. The term of suspension or denial may be reduced by the Director, based upon evidence presented if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. In the case of frequent child support arrearages, the Department may also impose conditions, restrictions or disciplinary action upon the accreditation. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions that posed an
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

immediate threat to public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Department shall revoke the individual's accreditation or deny the application.

d) When an individual's accreditation is suspended or revoked, the individual shall surrender his/her credential to the Department until the termination of the suspension period or until reissuance of the accreditation.

e) An individual whose accreditation has been revoked may seek reinstatement of accreditation by filing a petition for reinstatement with the Department. The Such petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the accreditation should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.130 Fees

a) The fees for initial or renewal of accreditation in all categories - Active, Conditional, Temporary or Limited Status shall be $120 per application and accreditation in all categories shall be non-refundable, and shall be as follows:

1) Initial Accreditation—Active, Conditional, Temporary or Limited Status: $60 per application

2) Renewal of Accreditation—Active, Conditional, or Limited Status—Application filed and all qualifications, including continuing education, met prior to expiration of previous accreditation, or in the case of closed files, prior to application: $60 per application

3) Renewal of Accreditation—Active, Conditional, or Limited Status—Application filed after the expiration of previous accreditation, closed files excepted, and all qualifications, including continuing education, met prior to application for renewal: $75 per application
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

4) **Renewal of Accreditation—Active, Conditional, or Limited Status.** Application filed before or after the expiration of previous accreditation, but the applicant has not documented completion of the required continuing education prior to the expiration of the accreditation being renewed, resulting in issuance of interim Department authorization to perform medical radiation procedures for a period of up to 90 days pursuant to Section 401.140(a)(1) of this Part: $90 per application

b) Examination fee for Limited Diagnostic Radiography Accreditation shall be $80 for the categories of Chest, Extremities, Spine, Skull and Sinus, or any combination thereof. The fee for examination in Limited Bone Densitometry shall be $100.00. All applications for examinations to be held in the year 2001 shall be accompanied by the $80 fee regardless of date of receipt by Department.

c) The appropriate fees are to accompany the application when filing with the Department. An application is filed on the date that it is received and stamped by the Department.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.140 Requirements for Renewal of Accreditation

a) **Prerequisites**

1) An individual shall make application for renewal of accreditation on or before the expiration date of the accreditation. Accreditation shall lapse if not renewed within this time period. An individual may not legally perform medical radiation technology without valid accreditation, or without the expressed approval of the Department during such time as an application may be pending. Such approval shall be limited to the applicant who meets all requirements for accreditation and requires additional time for the filing of continuing education records. The duration of such approval shall not exceed 90 days unless the application is received prior to expiration of the current accreditation. Nothing in this Section shall be interpreted to preclude an individual from seeking the renewal of lapsed accreditation.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

2) Each applicant shall submit a complete and legible application with the fee for renewal of accreditation in accordance with Section 401.130 of this Part. Submission of a timely and sufficient application for renewal shall hold the prior accreditation valid until such time as the Department acts to grant or deny renewal of accreditation. The Department will grant or deny renewal of accreditation within 90 days after receipt of application for renewal or the expiration date of the current accreditation, whichever is later.

b) Continuing Education Requirements

All applicants for renewal of accreditation, regardless of the category or status of accreditation sought to be renewed, shall provide evidence of having participated in an approved program of continuing education as indicated below:

1) The required effort in continuing education per year for each category of medical radiation technology, applicable to each year elapsed since the most recent date of issuance of accreditation, not to exceed 2 years beyond the expiration of the last accreditation, is as follows:

   A) Radiography  12 units
   B) Nuclear Medicine Technology  12 units
   C) Radiation Therapy Technology  12 units
   D) Chiropractic Radiography  12 units
   E) Limited Diagnostic Radiography  6 units

2) An applicant who:

   A) surrenders his/her accreditation shall meet the requirements set forth in subsection (b)(1) of this Section but shall not be held responsible for continuing education for the period beyond the date which such accreditation was surrendered.

   B) can provide evidence that he/she has not been employed to perform radiation procedures in this State during periods of lapsed
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

Accreditation shall not be held responsible for continuing education for periods of such lapsed accreditation but shall be responsible for continuing education requirements accrued during the period for which the most recent accreditation was valid.

C) Applies for renewal of accreditation and meets the either provision in either subsection (b)(2)(A) or (b)(2)(B) of this Section shall have completed 12 of the units of continuing education required by subsection (b)(1) of this Section for renewal within 1 year preceding the application for renewal or within 90 days after the submission of the application if approved by the Department or the expiration date of the current accreditation, whichever is later. Approval such approval by the Department shall be granted only for reasons of deficient continuing education.

3) The continuing education effort may be averaged during the period to which the requirement applies and shall be prorated by month. Individual courses may be applicable to more than one category of accreditation. The Department will base its approval on the relevance of the course work or training to the category or categories of current accreditation. In establishing relevancy, the Department will use standards such as are accepted by Verification of Involvement in Continuing Education (V.O.I.C.E.), Evidence of Continuing Education (E.C.E.), Continuing Medical Education (C.M.E.), and Continuing Education Units (C.E.U.). The Department will also accept relevant course work from accredited colleges and universities to satisfy this requirement.

4) Credit for continuing education other than as indicated in this Section above shall be granted by the Department if the individual or activity sponsor seeks approval of the course or activity and the Department finds that the course or activity will be consistent with courses approved in accordance with subsection (b)(1) of this Section.

5) The basis for a unit of continuing education credit shall be the contact hour (50 minutes) of lecture. Activity other than lecture shall be approved for credit by the Department based upon the standards of subsection (b)(3) of this Section.

6) In each category of accreditation the applicant for renewal shall have
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

completed a minimum of 6 units of continuing education for each year elapsed since the most recent date of issuance of accreditation, not to exceed 2 years beyond the expiration of the most recent accreditation, in continuing education in subject matter directly related to radiologic sciences in the applicant's specific category of accreditation. The balance of the requirement may be accomplished either in subject matter directly related to radiologic sciences or in subject matter directly related to patient care in the radiologic environment.

AGENCY NOTE: Applicants may refer to Appendix B of this Part for examples of specifically related continuing education subjects by category.

c) Nonrenewal of Accreditation

1) The Department shall not renew an individual's accreditation if he/she fails to present satisfactory evidence that he/she possesses the necessary qualifications for accreditation, and that he/she has participated in an approved continuing education program in accordance with this Part.

2) If the Department does not find satisfactory evidence that the individual meets these requirements, the Department shall, within 90 days after receipt of the application for renewal of accreditation or the expiration date of the current accreditation, whichever is later, send the individual a Notice of Intent Not to Renew Accreditation. This notice shall include the areas of deficiency and the individual's rights as set forth in this Section.

3) The individual, at any time while an application is pending, may submit additional information to the Department in order to establish that the identified areas of deficiency have been met or corrected.

4) If the applicant does not provide additional information to the Department within the time frame specified in the Notice of Intent Not to Renew Accreditation, the Department shall issue a Notice of Accreditation Denied.

5) An individual’s current credential shall be invalid as of the date of his/her receipt of a Notice of Accreditation Denied pursuant to subsection (c)(4) of this Section. After the Department has sent the Notice of Accreditation Denied, the individual may request a hearing within 30 days in accordance with 32 Ill. Adm. Code 200.70. The individual shall have the burden of proof in accordance with 32 Ill. Adm. Code 200.150.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

6) If an individual's accreditation is not renewed, he/she shall have the right at any time to submit an application for renewal of accreditation. The Such application shall be reviewed and processed in accordance with the requirements of this Section except that an individual may not legally apply ionizing radiation to human beings until and unless the Department has acted to grant the such application for renewal of accreditation.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)

Section 401.160 Additional Requirements for Radiographers Performing Mammography

a) In After September 18, 1992, in addition to meeting the accreditation requirements set forth in this Part, any medical radiographer who performs mammography shall have completed the required minimum initial training in mammography as specified in 32 Ill. Adm. Code 370.70(b)(1) identified in 401.Appendix C of this Part prior to performing mammography.

b) A medical radiographer who performs mammography procedures shall complete engage in continuing education units directly related to mammography specified in 32 Ill. Adm. Code 370.70(b)(2) at the rate of 10 contact hours within each 24 month period after meeting the initial mammography training requirement. Subjects identified in 401.Appendix C of this Part shall be considered directly related to mammography and may be utilized toward meeting the continuing education requirements of Section 401.140(b) of this Part.

c) Programs, courses or other activities intended to meet the requirement for initial mammography training, or continuing education in mammography, shall be approved by the Department.

d) Completion of initial mammography training, and continuing education in mammography, shall be verified to the Department.

AGENCY NOTE: For additional requirements for facilities who perform mammographic procedures see 32 Ill. Adm. Code 370 360.74.

(Source: Amended at 27 Ill. Reg. 3471, effective February 17, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** RCRA Permit Program

2) **Code citation:** 35 Ill. Adm. Code 703

3) **Section numbers:**

<table>
<thead>
<tr>
<th>Adopted action</th>
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<tbody>
<tr>
<td>703.100, 703.101, 703.110</td>
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<tr>
<td>703.120, 703.121, 703.122</td>
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<td>703.306</td>
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<tr>
<td>703.320</td>
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<tr>
<td>703.Appendix A</td>
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</tbody>
</table>

4) **Statutory authority:** 415 ILCS 5/7.2, 22.4, and 27.

5) **Effective date of amendments:** February 14, 2003
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

6) Does this rulemaking contain an automatic repeal date?: No.

7) Do these amendments contain incorporations by reference?


8) Statement of availability:

The adopted amendments, a copy of the Board’s opinion and order adopted January 9, 2003, and all materials incorporated by reference are on file at the Board’s principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register:

November 1, 2002, 26 Ill. Reg. 15541

10) Has JCAR issued a Statement of Objections to these rules?

No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board’s opinion and order of January 9, 2003 in docket R03-7 summarizes the differences between the amendments proposed by the Board in an opinion and order dated January 9, 2003, in consolidated docket R03-4, and those adopted by an order dated September 5, 2002. Many of the differences are explained in greater detail in the Board’s opinion and order of January 9, 2003 adopting the amendments. None of the differences have a substantive effect.
12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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

Since the Notices of Proposed Amendments appeared in the November 1, 2002 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of January 9, 2003 in docket R03-7, as indicated in item 11 above. See the January 9, 2003 opinion and order in docket R03-7 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

The following briefly describes the subjects and issues involved in the larger rulemaking of which the amendments to Part 703 are a single segment. Also affected are 35 Ill. Adm. Code 705, 720, 724, 725, and 726, each of which is covered by a separate notice in this issue of the Illinois Register. 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.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

| R03-7 | Federal RCRA Subtitle C amendments that occurred during the period January 1, 2002 through June 30, 2002. |

The R03-7 docket amends rules in Parts 703, 705, 720, 724, 725, and 726. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a
whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the nine federal actions in the update period:

<table>
<thead>
<tr>
<th>Date</th>
<th>Federal Register</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(January 22, 2002)</td>
<td>67 Fed. Reg. 2962</td>
<td>USEPA amended the corrective action management unit (CAMU) rule to facilitate and remove disincentives to corrective action at RCRA facilities.</td>
</tr>
<tr>
<td>(February 14, 2002)</td>
<td>67 Fed. Reg. 6968</td>
<td>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.</td>
</tr>
<tr>
<td>(March 13, 2002)</td>
<td>67 Fed. Reg. 11251</td>
<td>USEPA amended its Phase IV land disposal restriction (LDR) rule in response to the judicial vacatur in the case Association of Battery Recyclers v. EPA, 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.</td>
</tr>
<tr>
<td>(April 4, 2002)</td>
<td>67 Fed. Reg. 16262</td>
<td>USEPA determined not to list certain paint production wastes as hazardous and impose land disposal restrictions on them.</td>
</tr>
<tr>
<td>(May 8, 2002)</td>
<td>67 Fed. Reg. 30811</td>
<td>USEPA announced its decision to reaffirm its regulatory interpretation that spent catalyst removed from a dual-purpose hydroprocessing reactor is a listed hazardous waste.</td>
</tr>
</tbody>
</table>
NOTICE OF ADOPTED AMENDMENT

(May 8, 2002)  
67 Fed. Reg. 30811


(June 4, 2002)  
67 Fed. Reg. 38418

USEPA granted interim authorization of various states’ corrective action management unit rules, including Illinois.

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 hydrotreating 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:

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 13, 2002</td>
<td>Interim emission standards for hazardous waste combustors.</td>
</tr>
<tr>
<td>(67 Fed. Reg. 6792)</td>
<td></td>
</tr>
<tr>
<td>February 14, 2002</td>
<td>Amendments to the September 30, 1999 hazardous waste combustor rule to facilitate implementation of the rule.</td>
</tr>
<tr>
<td>(67 Fed. Reg. 6968)</td>
<td></td>
</tr>
<tr>
<td>(67 Fed. Reg. 30811)</td>
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</tbody>
</table>

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

16) Information and questions regarding these adopted amendments shall be directed to:
Please reference consolidated Docket R03-7 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph  11-500  
Chicago, IL  60601  
312-814-6924

Request copies of the Board’s opinion and order of January 9, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board’s opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 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
703.158 Permits for Less Than an Entire Facility
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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
703.202  Tank Systems
703.203  Surface Impoundments
703.204  Waste Piles
703.205  Incinerators that Burn Hazardous Waste
703.206  Land Treatment
703.207  Landfills
703.208  Boilers and Industrial Furnaces Burning Hazardous Waste
703.209  Miscellaneous Units
703.210  Process Vents
703.211  Equipment
703.212  Drip Pads
703.213  Air Emission Controls for Tanks, Surface Impoundments, and Containers
703.214  Post-Closure Care Permits

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
703.220  Emergency Permits
703.221  Alternative Compliance with the Federal NESHAPS
703.222  Incinerator Conditions Prior to Trial Burn
703.223  Incinerator Conditions During Trial Burn
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

703.224 Incinerator Conditions After Trial Burn
703.225 Trial Burns for Existing Incinerators
703.230 Land Treatment Demonstration
703.231 Research, Development and Demonstration Permits
703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
703.234 Remedial Action Plans

SUBPART F: PERMIT CONDITIONS OR DENIAL

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

SUBPART G: CHANGES TO PERMITS

Section
703.260 Transfer
703.270 Modification
703.271 Causes for Modification
703.272 Causes for Modification or Reissuance
703.273 Facility Siting
703.280 Permit Modification at the Request of the Permittee
703.281 Class 1 Modifications
703.282 Class 2 Modifications
703.283 Class 3 Modifications

SUBPART H: REMEDIAL ACTION PLANS

Section
703.300 Why This Subpart Is Written in a Special Regulatory Format
703.301 General Information
703.302 Applying for a RAP
703.303 Getting a RAP Approved
703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated
703.305 Operating Under A RAP
703.306 Obtaining a RAP for an Off-Site Location

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

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

703.Appendix A Classification of Permit Modifications

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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;


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 U.S.C. 6901).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
NOTICE OF ADOPTED AMENDMENT

Section 703.110 References


BOARD NOTE: This Section corresponds with 40 CFR 270.6.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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) Prohibits It prohibits the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);

2) Specifies It specifies exclusions from the permit requirement (Section 703.123);

3) Sets It sets times for the filing of applications and reapplications (Sections 703.125 and 703.126);

4) Prohibits It prohibits violation of the conditions of RCRA permits (Section 703.122);

c) Subpart C of this Part grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C of this Part contains prohibitions applicable during the interim status period;

d) The following definitions apply to this Subpart B:

1) 35 Ill. Adm. Code 702.110; and
2) 35 Ill. Adm. Code 721, the definitions of “solid waste” and “hazardous waste.”

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.121 RCRA Permits

a) No person 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) facility; or

2) In violation of any condition imposed by a RCRA permit.

b) Owners and operators. An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit. Owners and operators of a surface impoundments impoundment, landfills landfill, land treatment units unit, and or a waste pile units unit that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, shall have a post-closure care permit, unless they demonstrate it demonstrates closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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: See BOARD NOTE: Derived from 40 CFR 270.1(c)(1) (2002).)

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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) **Owners or operators** - An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

e) **Owners and operators** - An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;

f) **Transporters storing** - A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

g) **Persons adding** - A person who adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) 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 below in subsections (h)(1) through (h)(4) of this Section. 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
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 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 explosive 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 shall must 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.125 Reapplications

Any HWM facility with an effective permit shall must 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 shall must not grant permission for applications to be submitted later than the expiration date of the existing permit.)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.126 Initial Applications

Except as provided in 703-Subpart C of this Part, no person 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.140 Purpose and Scope

a) The Sections of this Subpart C are divided into the following two groups:

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. 3496, effective February 14, 2003)

Section 703.141 Permits by Rule

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

NOTICE OF ADOPTED AMENDMENT

a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator does the following:


2) Complies with the conditions of that permit; and

3) 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;

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) Has a permit for underground injection issued under 35 Ill. Adm. Code 704; and

2) 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) Complies with 35 Ill. Adm. Code 724.201; and
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

B) Where the UIC well is the only unit at the facility which requires a RCRA permit, it complies with Section 703.187.

c) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator fulfills the following conditions:

1) Has it has an NPDES permit;
2) Complies It complies with the conditions of that permit; and
3) Complies It 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 federal, it complies with State and local pretreatment requirements 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.)

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 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 which are first published to 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 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.


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

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.


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,
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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.


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


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.151 Application by New HWM Facilities

a) Except as provided in subsection (c) of this Section, no person shall may begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and having received a finally effective RCRA permit;

b) An application for a permit for a new HWM facility (including both Part A and Part B) may be filed at any time after promulgation of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit in the facility; Except as provided in subsection (c) of this Section, all applications must be submitted to the Agency at least 180 days before physical construction is expected to commence;

c) Notwithstanding subsection (a) of this Section, a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the Administrator of USEPA under Section (6)(e) of the federal Toxic Substances Control Act (42 U.S.C. 9601 et seq.) and any person owning or operating such facility may, at any time after construction of 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 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.

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 which render the facility subject to the requirement to have a RCRA permit shall must
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

have interim status and shall must 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 shall must notify the owner or operator in writing of the apparent deficiency. Such notice shall must specify the grounds for the Agency’s belief that the application is deficient. The owner or operator shall must 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) shall must not apply to any facility 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: See BOARD NOTE: Derived from 40 CFR 270.70, (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.154 Prohibitions During Interim Status

During the interim status period the facility shall must not do any of the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.155 Changes During Interim Status

a) Except as provided in subsection (b), below, of this Section 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 requirement, including 35 Ill. Adm. Code 725, 728, 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 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 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 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, 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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), above, of this Section 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, or 729, changes to an existing unit, changes 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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), above of this Section.

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.156 Interim Status Standards

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


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 shall must notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

c) For owners or operators an owner or operator of each a land disposal facility which that has been granted interim status prior to November 8, 1984, on November 8, 1985, unless the following conditions are fulfilled:

1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and

2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

d) For owners or operators an owner or operator of each a land disposal facility which that is in existence on the effective date of statutory or regulatory amendments under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility does as follows:

1) Submits It submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and

2) Certifies It certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

e) For owners an owner or operators operator 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 owners an owner or operators operator of each incinerator facility which that achieved interim status prior to November 8, 1984, on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.
g) For **owners** or **operators** of any facility (other than a land disposal or an incinerator facility) 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.159 Closure by Removal

Owners and operators. An **owner or operator** of a **surface impoundments impoundment**, a **land treatment units unit**, and/or a **waste piles-pile** that is closing by removal or decontamination under 35 Ill. Adm. Code 725 standards must obtain a post-closure permit, unless **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 **shall** approve or deny the petition according to the procedures outlined in Section 703.160.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.160 Procedures for Closure Determination

a) If a facility owner or operator seeks an equivalency determination under Section 703.159, the Agency 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 shall 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 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 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 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 shall 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
Section 703.161 Enforceable Document for Post-Closure Care

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


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) shall must 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].


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 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. 3496, effective February 14, 2003)

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 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).)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 of 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 and containment categories to be treated, stored, or disposed of at the facility.

(BOARD NOTE: Derived from 40 CFR 270.13(m).) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
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 owners and operators of a HWM facility can demonstrate that the 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 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 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.).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

information 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;


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 724.Subpart D;


h) A description of procedures, structures, or equipment used at the facility to as follows:

1) Prevent hazards in unloading operations (for example, ramps, or special forklifts);

2) 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) Prevent contamination of water supplies;
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) **Mitigate** - To mitigate effects of equipment failure and power outages;

5) **Prevent** - To prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and

6) **Prevent** - To prevent releases to the atmosphere;

i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking lanes, if appropriate); a description of access road surfacing and load bearing capacity; and the locations and types of traffic control signals;

k) Facility location information, as required by Section 703.184;

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);


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 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 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 of a HWM facilities facility located in a mountainous area shall area must 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);

5) A wind rose (i.e., prevailing windspeed and direction);

6) Orientation of the map (north arrow);

7) Legal boundaries of the HWM facility site;

8) Access control (e.g., fences, gates, etc.);

9) Injection and withdrawal wells both on-site and off-site;

10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, 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 shall allow the use of other scales on a case-by-case basis.

t) Applicants 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).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.184 Facility Location Information

a) In order to show compliance with the facility location requirements of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)], the owner or operator shall must include the following information, or a demonstration that Section 21(l) 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 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) above of this Section request information necessary to allow the Agency to determine the applicability of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)] requirements. These provisions are not intended to modify the requirements of the Act. For example, the operator is required to give the location of wells on its own property, even though the Agency might find that these do not prohibit the site location.

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

c) Owners and operators. An owner or operator of all facilities shall must provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant flood map produced by the Federal Emergency
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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.

d) Owners and operators. An owner or operator of facilities located in the 100-year floodplain 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) above of this Section, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including the following:

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

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) Owners and operators of existing facilities not in compliance with 35 Ill. Adm. Code 724.118(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such owners and operators shall file a concurrent variance petition with the Board; and

f) Owners of a new regional pollution control facilities, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], 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) (1992) (2002). 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. 3496, effective February 14, 2003)

Section 703.185 Groundwater Protection Information

The following additional information regarding protection of groundwater is required from owners or operators of a hazardous waste 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

b) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and 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) Delineates the extent of the plume on the topographic map required under Section 703.183(s);

2) 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 submit sufficient information, supporting data and analyses to establish a detection monitoring program 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must submit sufficient information, supporting data and analyses to establish a compliance monitoring program which that 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 shall must also submit an engineering feasibility plan for a 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 for submittal of such a plan. To demonstrate compliance with 35 Ill. Adm. Code 724.199, the owner or operator shall must 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

h) If hazardous constituents have been measured in the groundwater 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 shall submit sufficient information, supporting data, and analyses to establish a corrective action program 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 shall instead submit sufficient information to establish a compliance monitoring program 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 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;

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.

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) above of this Section; and

3) The potential magnitude and nature of the human exposure resulting from such releases.

b) By August 8, 1985, owners and operators who have submitted a Part B application must submit the exposure information required in subsection (a) of this Section.


Section 703.187 Solid Waste Management Units

a) The following information is required for each solid waste management unit at a facility seeking a permit:

1) The location of the unit on the topographic map required under Section 703.183(s).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
Section 703.191  Public Participation: Pre-Application Public Notice and Meeting

a) Applicability. The requirements of this Section—shall must apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section—shall must 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 as a class 3 permit modification under Sections Section 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—shall must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

c) The applicant—shall must 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—shall must provide public notice in each of the following forms:

   A) A newspaper advertisement. The applicant—shall must 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—shall must instruct the applicant to publish
NOTICE OF ADOPTED AMENDMENT

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 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 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 employ another medium with prior approval of the Agency.

D) A notice to the Agency. The applicant must 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

E) The name, address, and telephone number of a contact person for the applicant.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.192 Public Participation: Public Notice of Application

a) Applicability. The requirements of this Section shall apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section 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 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 shall be published within 30 calendar days after the application is received by the Agency. The notice must include the following information:

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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.193 Public Participation: Information Repository

a) Applicability. The requirements of this Section shall apply to any application seeking a RCRA permit for a hazardous waste management unit.

b) The Agency shall assess the need for an information repository on a case-by-case basis. When assessing the need for an information repository, the Agency 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

d) The information repository must be located and maintained at a site chosen by the 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 specify a more appropriate site.

e) The Agency must specify requirements for the applicant for informing the public about the information repository. At a minimum, the Agency must 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 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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).
Section 703.201 Containers

For a facility that stores 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 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...
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

wastes) and Section 35 Ill. Adm. Code 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.202 Tank Systems

Except as otherwise provided in 35 Ill. Adm. Code 724.290, owners and operators of facilities that use tanks to store or treat hazardous waste shall provide the following additional 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;

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 system(s) will be installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d), and (e);
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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, or

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 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
Section 703.203 Surface Impoundments

For facilities that store, treat, or 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.

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. Adm. 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);
NOTICE OF ADOPTED AMENDMENT

6) Prevention of overtopping; and

7) Structural integrity of dikes.

e) 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 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 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 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.204 Waste Piles

For facilities that store or 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must 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;

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 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 of the process and 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 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 the 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.205 Incinerators that Burn Hazardous Waste

For facilities that 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 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.

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 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;

B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement); and

C) The certification and results required by subsection (b) of this Section;

6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445, including the following:

A) Expected carbon monoxide (CO) level in the stack exhaust gas;

B) Waste feed rate;

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. Subpart O 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 shall approve a permit application without a trial burn if it finds that the following:

1) The wastes are sufficiently similar; and

2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (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 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

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


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 703.206  Land Treatment

For facilities that use land treatment to dispose of hazardous waste, except as otherwise provided in 35 Ill. Adm. 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

B) Measures to control soil pH;
C) Enhancement of microbial or chemical reactions; and
D) Control of moisture content;

3) Provisions for 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;
   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;

e) 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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);
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.207 Landfills

For facilities that 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 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;


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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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;

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 landfill 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When the 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 35 Ill. Adm. Code 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, owners and operators of cement or lightweight aggregate kilns that are subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control...
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 shall conduct a trial burn to demonstrate conformance with those standards and 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 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of 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 shall review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency 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. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.

3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator 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;

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 submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) of this Section.

5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1)
and (e) that control emissions of HCl and chlorine gas without requiring a trial burn, the owner or operator must submit the following:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;

C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and

G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.

6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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—shall must approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other 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—shall must be submitted:

A) For a waiver from any trial burn, the following:

i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;

ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and

iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).

B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns—which that demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in Appendix H to 35 Ill. Adm. Code 721. Appendix H that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.

b) Alternative HC limit for industrial furnaces with organic matter in raw materials. An owner or operator of industrial furnaces requesting an
alternative HC limit under 35 Ill. Adm. Code 726.204(f) shall must submit the following information at a minimum:

1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;

2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

726.206(f), the owner or operator shall must submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator shall must provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).

d) Automatic waste feed cutoff system. Owners and operators An owner or operator shall must submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.

e) Direct transfer. Owners and operators An owner or operator that use uses direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace shall must submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.

f) Residues. Owners and operators An owner or operator that claim claims that their its residues are excluded from regulation under the provisions of 35 Ill. Adm. Code 726.212 shall must submit information adequate to demonstrate conformance with those provisions.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.209 Miscellaneous Units

Except as otherwise provided in 35 Ill. Adm. Code 724.700, owners and operators the owner or operator of facilities a facility that treat treats, store stores, or dispose disposes of hazardous waste in miscellaneous units shall must 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 standards of 35 Ill. Adm. Code 724.701. The Agency 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 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.210 Process Vents

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of facilities which have a facility that has process vents to which Subpart AA of 35 Ill. Adm. Code 724.Subpart AA applies shall provide the following additional information:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


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

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of facilities which have a facility that has equipment to which Subpart BB of 35 Ill. Adm. Code 724.Subpart BB applies 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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”).


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 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 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.212 Drip Pads

Except as otherwise provided by 35 Ill. Adm. Code 724.101, the owner or operator of a hazardous waste treatment, storage, or disposal facility that collects, stores, or treats hazardous waste on drip pads 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, 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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, washing with detergents or other appropriate solvents, or steam cleaning.

   B) Provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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;

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);

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

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 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).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of tanks, a tank, a surface impoundments impoundment, or containers a container that use uses air emission controls in accordance with the requirements of Subpart CC of 35 Ill. Adm. Code 724. Subpart CC shall must provide the following additional information:

a) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or (f)(1).

b) Identification of each container area subject to the requirements of Subpart CC of 35 Ill. Adm. Code 724. 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 Subpart CC cannot comply with Subpart CC of 35 Ill. Adm. Code Subpart CC by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

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.
NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.222 Incinerator Conditions Prior to Trial Burn

For the purposes of determining operational readiness following completion of physical construction, the Agency 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

a) Applicants shall must 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 shall 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 724.443 based on engineering judgment.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 shall must establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

a) Applicants shall must propose a trial burn plan, prepared under subsection (b) of this Section with Part B of the permit application;

b) The trial burn plan must include the following information:

1) An analysis of each waste or mixture of wastes to be burned that includes the following:

   A) Heat value of the waste in the form and composition in which it will be burned;

   B) Viscosity (if applicable), or description of physical form of the waste;

   C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 Appendix H, that are present
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 system(s)

G) Stack gas monitoring and pollution control equipment;

H) Nozzle and burner design;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

I) Construction materials;

J) Location and description of temperature-, pressure-, and flow-indicating and control devices;

3) A detailed description of sampling and monitoring procedures, including 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 date(s), duration, quantity of waste to be burned, and other factors relevant to the Agency’s decision under subsection (c) of this Section;

5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

6) A description of, and planned operating conditions for, any emission control equipment that will be used;

7) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e) of this Section. Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123;

c) The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and 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 shall specify as trial Principal Organic Hazardous Constituents (POHCs), those
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituent of constituents identified in Appendix G or H to 35 Ill. Adm. Code 721 as the basis for listing;

e) The Agency shall must approve a trial burn plan if it finds that the following:

1) The trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;

2) The trial burn itself will not present an imminent hazard to human health or the environment;

3) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and

4) The information sought in subsections (e)(1) and (e)(3) of this Section cannot reasonably be developed through other means;

f) The Agency shall must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

2) This notice must contain the following:

A) The name and telephone number of the applicant’s contact person;

B) The name and telephone number of the Agency regional office appropriate for the facility;
C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

D) An expected time period for commencement and completion of the trial burn;

g) During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;

2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, molecular oxygen and hydrogen chloride (HCl);

3) A quantitative analysis of the scrubber water (if any), ash residues and other residues, for the purpose of estimating the fate of the trial POHCs;

4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);

5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall must submit the results of all the determinations required in subsection (g) of this Section. This submission must be made within 90 days of after completion of the trial burn, or later, if approved by the Agency;

i) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;

j) All submissions required by this Section must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;

k) Based on the results of the trial burn, the Agency shall must set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.225 Trial Burns for Existing Incinerators

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 shall 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 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 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 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 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 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 shall...
must specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 may 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 facility permit, covering the field tests, or laboratory analyses and design, construction, operation, and maintenance of the land treatment unit.

1) The Agency shall must issue a two-phase facility permit if it finds that, based on information submitted in Part B of the application, that substantial information already exists, although incomplete or inconclusive, 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. Subpart M, it shall must 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 shall must 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 which that the Agency finds necessary under 35 Ill. Adm. Code 724.372(c). The Agency shall must include conditions in the second phase of the facility permit to attempt to meet all Subpart M of 35 Ill.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Adm. Code 724. Subpart M requirements pertaining to unit design, construction, operation and maintenance. The Agency 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 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 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 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. Subpart M, 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 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

The second phase of the permit then becomes effective as specified in 35 Ill. Adm. Code 705.201(d).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 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 include such terms and conditions as will assure protection of human health and the environment. Such permits a permit must provide as follows:

1) 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) 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) 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 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 shall must be for a period of not more than one year.

(Board Note: See BOARD NOTE: Derived from 40 CFR 270.65 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When the 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 35 Ill. Adm. Code 726.202(c)(1) and (c)(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. Owners and operators of new boilers, boilers, or industrial furnaces, furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsections (b) through (f) of this Section. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section.
b) Permit operating periods for a new boilers and boiler or industrial furnaces furnace. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency must establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section Sections 703.280 et seq through 703.283.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency’s engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency must 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency’s engineering judgment.

B) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).

C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency’s engineering judgment.

4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Sections 703.280 et seq through 703.283.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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/chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including the following:

A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with 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;

B) An approximate quantification of the hazardous constituents 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2) of this Section.

d) Trial burn procedures.

1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.

2) The Agency must approve a trial burn plan if the Agency finds as follows:

A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report 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...
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 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 HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;
5) When a trial burn for DRE, metals, and HCl and chlorine gas is required 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, applicants owning or operating an applicant that owns or operates an existing boiler or industrial furnace which is operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with 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 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.234 Remedial Action Plans

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subpart H of this Part.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.241 Establishing Permit Conditions

a) General conditions:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) In addition to the conditions established under 35 Ill. Adm. Code 702.160(a), each RCRA permit 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 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)] shall contain terms and conditions that the Agency determines are necessary to protect human health and the environment.

BOARD NOTE: Derived Subsection (a) derived from 270.32(b)-(1992) (2002).

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.243 Monitoring

In addition to 35 Ill. Adm. Code 702.150 (monitoring) the following apply:

a) The permittee 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 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: See BOARD NOTE: Derived from 40 CFR 270.30(j)(2)- (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 703.245 Twenty-four Hour Reporting

a) The permittee **shall** **must** report any non-compliance **which** **that** 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, **which** **that** could threaten the environment or human health outside the facility.

b) The description of the occurrence and its cause **shall** **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;

4) Name and quantity of 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 **shall** **must** also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission **shall** **must** contain a description of the non-compliance 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 written notice requirement in favor of a written report within fifteen days.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.246 Reporting Requirements

The following reports required by 35 Ill. Adm. Code 724 shall must 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 fifteen 15 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).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.247 Anticipated Noncompliance

In addition to 35 Ill. Adm. Code 702.152(b), for a new facility, the permittee shall must not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee shall must 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 shall be governed by the provisions in Section 703.193(c) through (f).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 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 I modification with the prior written approval of the Agency in accordance with Section 703.281. The new owner or operator 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
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 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 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 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: 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. 3496, effective February 14, 2003)

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 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 shall not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency shall 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.

Section 703.271 Causes for Modification

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 which occurred after permit issuance which justify the application of permit conditions that are different or 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 shall also modify a permit as follows:

1) When modification of a closure plan is required under 35 Ill. Adm. Code 724.212(b) or 724.218(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 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 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.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act [415 ILCS 5/39.2].


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.280 Permit Modification at the Request of the Permittee

a) Class 1 modifications. See Section 703.281.

b) Class 2 modifications. See Section 703.282.

c) Class 3 modifications. See Section 703.283.

d) Other modifications.

1) In the case of modifications not explicitly listed in Appendix A, 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:
NOTICE OF ADOPTED AMENDMENT

i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and

ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) of this Section or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) of this Section and provides improved management or treatment of a hazardous waste already listed in the facility permit.

B) The temporary authorization request must include the following:

i) A description of the activities to be conducted under the temporary authorization;

ii) An explanation of why the temporary authorization is necessary; and


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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

i) To facilitate timely implementation of closure or corrective action activities;

ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;

iii) To prevent disruption of ongoing waste management activities;

iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

v) To facilitate other changes to protect human health and the environment.

4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:

A) The reissued temporary authorization constitutes the Agency’s decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or

B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public notice and appeals of permit modification decisions.

1) The Agency must notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any 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).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) **Facility owners or 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 **May 14, 2001** or **October 11, 2000**, (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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.281 Class 1 Modifications

a) Except as provided in subsection (a)(2) of this Section, the permittee may put into effect Class I modifications listed in Appendix A under the following conditions:

1) The permittee **shall 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 **shall 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 **shall 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 shall must for cause reject, any Class 1 modification. The Agency shall 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 shall must comply with the original permit conditions.

b) Class 1 permit modifications identified in Appendix A by an asterisk shall must be 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 shall must inform the Agency of this decision in the notice required in Section 703.282(b)(1).


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.282 Class 2 Modifications

a) For Class 2 modifications, listed in Appendix A, the permittee shall must submit a modification request to the Agency which does the following:

1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

2) Identifies that the modification is a Class 2 modification;

3) Explains why the modification is needed; and

4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.

b) The permittee shall must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and
shall must, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee shall must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within 7 seven days before or after the date of submission of the modification request, and the permittee shall must provide to the Agency evidence of the mailing and publication. The notice must include:

1) Announcement of a 60-day comment period, in accordance with subsection (e) of this Section, and the name and address of an Agency contact to whom comments must be sent;

2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d) of this Section;

3) Name and telephone number of the permittee’s contact person;

4) Name and telephone number of an Agency contact person;

5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

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 shall must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

d) The permittee shall must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) of this Section and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the County in which the permitted facility is located, unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.

e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date that the permittee publishes the notice in
f) Agency decision.

1) No later than 90 days after receipt of the notification request, the Agency shall must:

   A) Approve the modification request, with or without changes, and modify the permit accordingly;

   B) Deny the request;

   C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for either of the following reasons:

      i) There is significant public concern about the proposed modification; or

      ii) The complex nature of the change requires the more extensive procedures of Class 3-2.

   D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days,

   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 shall must, no later than 120 days after receipt of the modification request, do the following:

   A) Approve the modification request, with or without changes, and modify the permit accordingly;

   B) Deny the request;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reasons:

i) There is significant public concern about the proposed modification; or

ii) The complex nature of the change requires the more extensive procedures of Class 3; or

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.

3) If the Agency fails to make one of the decisions specified in subsection (f)(2) of this Section by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in 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 shall must, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that informs them as follows:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

i) The permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

ii) Unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A) of this Section, the effective date of the permanent authorization will be deferred until 50 days after the owner or operator notifies the public.

5) Except as provided in subsection (f)(7) of this Section, if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.

6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in the Agency’s decision.

7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

g) The Agency must deny or change the terms of a Class 2 permit modification request under subsections (f)(1) through (f)(3) of this Section for the following reasons:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.283 Class 3 Modifications

a) For Class 3 modifications, listed in Appendix A, the permittee shall 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 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 shall publish this notice in a newspaper of general circulation in the
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

county in which the facility is located. This notice must be mailed and published within 7-seven days before or after the date of submission of the modification request, and the permittee shall must provide to the Agency evidence of the mailing and publication. The notice must include the following:

1) Announcement of a 60-day comment period, in accordance with subsection (e) below 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) below of this Section;

3) Name and telephone number of the permittee’s contact person;

4) Name and telephone number of an Agency contact person;

5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

6) The following statement: “The permittee’s compliance history during the life of the permit being modified is available from the Agency contact person.”

c) The permittee shall must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

d) The permittee shall must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) above of this Section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

e) The public shall must be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.

f) After the conclusion of the 60-day comment period, the Agency shall must grant or deny the permit modification request, according to the permit modification
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

procedures of 35 Ill. Adm. Code 705. In addition, the Agency -shall must- consider and respond to all significant written comments received during the 60-day comment period.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 essentially the same more conventional regulatory format, rather than the question-and-answer format used by USEPA. Like all other regulations, this Subpart establishes enforceable legal requirements.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.301 General Information

a) What is Definition of 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 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.


b) When does an owner or operator 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 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.
NOTICE OF ADOPTED AMENDMENT

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 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 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 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.


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: Derived Subsection (c) is derived from 40 CFR 270.90 (1999) (2002). 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.
Section 703.302 Applying for a RAP

a) Applying for a RAP. To apply for a RAP, an owner or operator shall complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.


b) Who. The person 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 shall also sign the RAP application.


c) Who. The person who must sign the application and any required reports for a RAP? Both the owner and the operator 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 shall also make the certification required under 35 Ill. Adm. Code 702.126(d)(1). However, the 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).


d) What must an owner or operator include in its application for a RAP? An owner or operator 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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);
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

9) Any other information the Agency decides is necessary for demonstrating compliance with this Subpart H or for determining any additional RAP conditions that are necessary to protect human health and the environment.


e) 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 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 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 make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of an owner’s or operator’s name or address.


f) To whom must the owner or operator submit its RAP application?

An owner or operator must submit its application for a RAP to the Agency for approval.


g) If an owner or operator submits its RAP application as part of another document, what must the owner or operator do?

If an owner or operator submits its application for a RAP as a part of another document, an owner or operator must clearly identify the components of that document that constitute its RAP application.

Section 703.303 Getting a RAP Approved

a) What is the process for approving or denying an application for a RAP?

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) and that the proposed remediation waste management activities meet the regulatory standards, the Agency shall make a tentative decision to approve the RAP application. The Agency 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 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.

b) What must the Agency 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 any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP;

3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency must clearly identify the components of that document that constitute the draft RAP.


c) What else must the Agency 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 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


d) What are the procedures for public comment on the draft RAP or notice of intent to deny?

1) The Agency must 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 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.
NOTICE OF ADOPTED AMENDMENT

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the 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.


e) How must the Agency make a final decision on a RAP application?

1) The Agency must 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 shall must 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 shall must refer to the procedures for appealing the decision under subsection (f) of this Section.

6) Before issuing the final RAP decision, the Agency shall must 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

7) The Agency—shall must make information contained in the administrative record available for review by the public upon request.


f) May the Administrative appeal of a 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 35 Ill. Adm. Code 705.Subpart D and 705.212(c), the Agency—shall must 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


g) When does a RAP 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:  Derived Subsection (g) is derived from 40 CFR 270.160 (1999) (2002). 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 begin physical construction of new units permitted under the RAP? An owner or operator 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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.304  How a RAP May Be Modified, Revoked and Reissued, or Terminated

a) After a RAP is issued, how may it be modified, revoked and reissued, or terminated? In a RAP, the Agency 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


b) For what reasons may the Agency 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 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall not reevaluate the suitability of the facility location at the time of RAP modification 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: Derived Subsection (b) is derived from 40 CFR 270.175 (1999) (2002).

c) For what reasons may the Agency 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

this Section if the Agency determines that revocation and reissuance of the RAP is appropriate.

2) The Agency 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.


For what reasons may the Agency 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.


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 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 did not participate in any public hearing on
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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) (1999) (2002) 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: Derived Subsection (e) is derived from 40 CFR 270.190 (1999) (2002). 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) When will Expiration of a RAP expire? RAPs must be issued for a fixed term, not to exceed 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 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 shall follow the requirements for modifying the RAP as necessary to assure that the
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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).


g) How may an owner or operator renew a RAP that is expiring? If an owner or operator wishes to renew an expiring RAP, the owner or operator shall must follow the process for application for and issuance of RAPs in this Subpart H.


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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.305 Operating Under a RAP

a) What records must The records 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


b) How 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 shall must 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 transfer its RAP, the new owner or operator shall must 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 shall must 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 shall must 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 shall must petition the Board within 35 days after the Agency has issued the final RAP decision.)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

BOARD NOTE: Derived Subsection (b) is derived from 40 CFR 270.215, added at 63 Fed. Reg. 65945 (Nov. 30, 1998) (2002). 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 transfer its RAP to a new owner or operator?

1) If an owner or operator wishes to transfer its RAP to a new owner or operator, the owner or operator 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 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 or operator 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 shall notify the former owner or operator that it no longer needs to comply with Subpart H as of the date of demonstration.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.306 Obtaining a RAP for an Off-Site Location

May an owner or operator 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 shall approve a RAP for this alternative location.

c) An owner or operator shall request the RAP, and the Agency 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 shall include in the RAP for such locations:

1) The RAP for the alternative location must be issued to the person 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 shall must 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


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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:

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.

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

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


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.


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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

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 (2002). Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of 40 CFR 63, subpart EEE.

(Source: Added at 27 Ill. Reg. 3496, effective February 14, 2003)
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* 1. Changes in interim compliance dates, with prior approval of the Agency.

3 b. Extension of final compliance date.

1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

1* 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).

B. General Facility Standards
NOTICE OF ADOPTED AMENDMENT

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

2. Changes to analytical quality assurance or quality control plan:
   1 a. To conform with agency guidance or regulations.
   2 b. Other changes.

3. Changes in procedures for maintaining the operating record.

4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:
   2 a. That affect the type or decrease the amount of training given to employees.
   1 b. Other changes.

6. Contingency plan:
   2 a. Changes in emergency procedures (i.e., spill or release response procedures).
   1 b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.
   2 c. Removal of equipment from emergency equipment list.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1  d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

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

7. CQA plan:

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

2  b. Other changes.

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

C. Groundwater Protection

1. Changes to wells:

2  a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.

1  b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.

1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
IIIINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


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.

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. Addition of the following new units to be used temporarily for closure activities:

3 a. Surface impoundments.

3 b. Incinerators.


POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


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

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

F.  Containers

1.  Modification or addition of container units:

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

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

### Notice of Adopted Amendment

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:

   2a. Modification of a container unit without increasing the capacity of the unit.

1b. 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):

   3a. That require additional or different management practices from those authorized in the permit.

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

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

4. **4.** Storage or treatment of different wastes in containers:

   2a. 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).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

G. Tanks

1.

3 a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility’s tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).

2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility’s tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1. Replacement of a tank with a tank that meets the same design standards and has a capacity within ±10 percent of the replaced tank provided:
   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.


3. Management of different wastes in tanks:
   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).
   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).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

2. 4. Modification of a surface impoundment management practice.

5. Treatment, storage, or disposal of different wastes in surface impoundments:

3. a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

2. b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

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

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).


7. Changes in response action plan:

3 a. Increase in action leakage rate.

3 b. Change in a specific response reducing its frequency or effectiveness.

2 c. Other changes.

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

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

3 a. Resulting in greater than 25 percent increase in the facility’s waste pile storage or treatment capacity.
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.

5. Modification of a landfill management practice.

6. Landfill different wastes:

   a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

   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.

   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).

   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).

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 runon control system.

3
3. Modify runoff control system.

2
4. Other modification of land treatment unit component specifications or standards required in permit.

5. Management of different wastes in land treatment units:

3
a. That require a change in permit operating conditions or unit design specifications.

2
b. That do not require a change in permit operating conditions or unit design specifications.

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

6. Modification of a land treatment unit management practice to:

3
a. Increase rate or change method of waste application.

1
b. Decrease rate of waste application.
NOTICE OF ADOPTED AMENDMENT

7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.

8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.


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.

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.

12. Changes in background values for hazardous constituents in soil and soil-pore liquid.

13. Changes in sampling, analysis, or statistical procedure.

14. Changes in land treatment demonstration program prior to or during the demonstration.

15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency’s prior approval has been received.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

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.

18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

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 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/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency 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.

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 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 recordkeeping requirement specified in the permit.
6. Burning different wastes:

3   a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2   b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

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

7. Shakedown and trial burn:

2   a. Modification of the trial burn plan or any of the permit conditions 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.
NOTICE OF ADOPTED AMENDMENT

8. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.

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

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.

b. Resulting in up to 25 percent increase in the facility’s containment building storage or treatment capacity.

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:

a. The unit capacity is not increased.

b. The replacement containment building meets the same conditions in the permit.


5. Storage or treatment of different wastes in containment buildings:

a. That require additional or different management practices.

b. That do not require additional or different management practices.

N. Corrective Action
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


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.


(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Procedures for Permit Issuance

2) **Code citation**: 35 Ill. Adm. Code 705

3) **Section numbers**:  
   - 705.101, 705.102, 705.103  Amend  
   - 705.121, 705.122, 705.123  Amend  
   - 705.124, 705.125, 705.126  Amend  
   - 705.127, 705.128, 705.141  Amend  
   - 705.142, 705.143, 705.144  Amend  
   - 705.161, 705.162, 705.163  Amend  
   - 705.164, 705.165, 705.181  Amend  
   - 705.182, 705.183, 705.184  Amend  
   - 705.201, 705.202  Amend  
   - 705.203, 705.204, 705.205  Repeal  
   - 705.210, 705.211, 705.212  Amend

4) **Statutory authority**: 415 ILCS 5/7.2, 13, 22.4, and 27.

5) **Effective date of amendments**: February 14, 2003

6) **Does this rulemaking contain an automatic repeal date?**: No.

7) **Do these amendments contain incorporations by reference?**

   No. Part 705 neither includes incorporations by reference nor references documents incorporated by reference.

8) **Statement of availability:**

   The adopted amendments, a copy of the Board’s opinion and order adopted January 9, 2003, and all materials incorporated by reference are on file at the Board’s principal office and are available for public inspection and copying.

9) **Notice of proposal published in Illinois Register**:

   November 1, 2002, 26 Ill. Reg. 15677

10) **Has JCAR issued a Statement of Objections to these rules?**
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board’s opinion and order of January 9, 2003 in docket R03-7 summarizes the differences between the amendments proposed by the Board in an opinion and order dated January 9, 2003, in consolidated docket R03-4, and those adopted by an order dated September 5, 2002. Many of the differences are explained in greater detail in the Board’s opinion and order of January 9, 2003 adopting the amendments. None of the differences have a substantive effect.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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

Since the Notices of Proposed Amendments appeared in the November 1, 2002 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of January 9, 2003 in docket R03-7, as indicated in item 11 above. See the January 9, 2003 opinion and order in docket R03-7 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:
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.

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

Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Request copies of the Board’s opinion and order of January 9, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board’s opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 or Reissuance of Permits

SUBPART C: APPLICATION REVIEW

Section
705.141 Draft Permits
705.142 Statement of Basis
705.143 Fact Sheet
705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

SUBPART D: PUBLIC NOTICE

Section
705.161 When Public Notice Must Be Given
705.162 Timing of Public Notice
705.163 Methods of Public Notice
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 upon Timely Application for Renewal of Permit Conditions upon Appeal
705.203   Stay for New Application or upon Untimely Application for Renewal (Repealed)
705.204   Stay upon Reapplication or for Modification (Repealed)
705.205   Stay Following Interim Status (Repealed)
705.210   Agency Response to Comments
705.211   Administrative Record for Final Permits or Letters of Denial
705.212   Appeal of Agency Permit Determinations

705.Appendix A:   Procedures for Permit Issuance
705.Appendix B:   Modification Process
705.Appendix C:   Application Process
705.Appendix D:   Application Review Process
705.Appendix E:   Public Comment Process
705.Appendix F:   Permit Issuance or Denial

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

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 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. 3675, effective February 14, 2003)

Section 705.102  Definitions

The definitions in 35 Ill. Adm. Code 702 apply to this Part.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.103  Computation of Time

Any time period allowance schedule or requirement provided under this Part shall must be computed in accordance with 35 Ill. Adm. Code 101.105 101.300.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
 Section 705.121  Permit Application

a) Any person who requires a permit under the RCRA (Resource Conservation and Recovery Act) or UIC (Underground Injection Control) program 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. Applications are not required for underground injections authorized by rule under Subpart C of 35 Ill. Adm. Code 704.Subpart C.

b) The Agency shall not begin the processing of a permit until the applicant has fully complied with the application requirements applicable to that type of permit.

c) Permit applications must comply with the signature and certification requirements of 35 Ill. Adm. Code 702.126.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.122  Completeness

a) The Agency 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 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 shall be reviewed for completeness within 60 days of receipt.
c) Upon completing its review for completeness, the Agency must notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency 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 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) above of this Section, notify the applicant whether additional information submitted in response to a notice of deficiency is deemed sufficient or insufficient to complete the application.

f) After the application is deemed complete, the Agency may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.124 Site Visit

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 applicant, to permit such an Agency and the

applicant must schedule a site visit shall be deemed a failure or refusal to correct application deficiencies for purposes of Section 705.123.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.126 Decision Schedule

For each permit application from a major new HWM facility or major new UIC injection well, the Agency shall must, no later than the effective date of the application, prepare and mail to the applicant a projected decision schedule. The schedule shall must 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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
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, processing of two or more applications for those permits 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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

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 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 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 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 shall require the submission of a new application.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

2) In a permit modification proceeding under this Section, only those conditions to be modified 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 modification proceeding, including any appeal to the Board, the permittee shall comply with all conditions of its existing permit until a new final permit is reissued.

3) “Minor modifications,” as defined in 35 Ill. Adm. Code 704.264, and “Class 1 and 2 modifications,” as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to 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 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).


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

SUBPART C: APPLICATION REVIEW

Section 705.141 Draft Permits

a) Once an application for permit is complete, the Agency 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 shall issue a notice of intent to deny. A notice of intent to deny shall be subject to all of the procedural requirements applicable to draft permits under subsection (d) below of this Section. If the Agency’s final decision made pursuant to Section 705.201 is that the tentative decision to deny the permit application was incorrect, it shall
withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (c) below of this Section.

c) If the Agency decides to prepare a draft permit, it shall \textit{must} prepare a draft permit that contains the following information:


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; \textit{and}

4) Program-specific The following program-specific permit conditions:

   A) For RCRA permits, standards for treatment, storage, or disposal and other permit conditions under Subpart F of 35 Ill. Adm. Code 703 Subpart F;

   B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704 Subpart E.

   d) All permits and notices of intent to deny prepared under this Section \textit{shall must} be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, \textit{and shall must} be based on the administrative record pursuant to Section 705.144, \textit{must be} publicly noticed pursuant to Subpart D of this Part, \textit{and must be} made available for public comment pursuant to Section 705.181. The Agency \textit{shall must} give notice of opportunity for a public hearing pursuant to Section 705.182, issue a final decision pursuant to Section 705.201, and respond to comments pursuant to Section 705.210. An appeal may be taken under Section 705.212.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 705.142 Statement of Basis

The Agency **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 **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 **shall** be sent to the applicant and to any other person who requests it.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.143 Fact Sheet

a) A fact sheet **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 which the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet **shall** briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Agency **shall** send this fact sheet to the applicant and, on request, to any other person.

b) The fact sheet **shall** include the following, when applicable:

1) A brief description of the type of facility or activity which is the subject of the draft permit;

2) The type and quantity of wastes, fluids or pollutants 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) Name The name and telephone number of a person to contact for additional information.

(Board Note: See BOARD NOTE: Derived from 40 CFR 124.8 (2002).)

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

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 shall be based on the administrative record, as defined in this Section.

b) The administrative record shall consist of the following:

1) The application and any supporting data furnished by the applicant;

2) The draft permit or notice of intent to deny the application;

3) The statement of basis, as provided in Section 705.142, or fact sheet, as provided in Section 705.143;

4) All documents cited in the statement of basis or fact sheet; and

5) Other documents contained in the supporting file for the draft permit or notice of intent to deny; and
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) above of this Section, need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the fact sheet.

d) This section applies to all draft permits or notices of intent to deny for which public notice was first given under 705.Subpart D of this Part after March 3, 1984, for UIC permits, or January 31, 1986, for RCRA permits.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

SUBPART D: PUBLIC NOTICE

Section 705.161 When Public Notice Must Be Given

a) The Agency must 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 be given to the requester and the permittee.

c) A public notice may describe more than one permit or permit action.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 705.162 Timing of Public Notice

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 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 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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.163 Methods of Public Notice

Public notice of activities described in Section 705.161(a) 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 which the Agency knows is required by state or federal law to review or approve issuance of a RCRA or UIC permit for the same facility or activity (including the U.S. Environmental Protection Agency USEPA, other Federal and State agencies with jurisdiction over
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

7) Any other person or entity 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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

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 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 proper.

b) Public notices for hearings. In addition to the general public notice described in Section 705.164(a) subsection (a) of this Section, the public notice of a hearing under Section 705.182 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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.165 Distribution of Other Materials

In addition to the general public notice described in Section 705.164(a), all persons identified in Section 705.163(a) shall be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
Section 705.181 Public Comments and Requests for Public Hearings

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 shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Agency shall consider all comments in making the final decision and shall answer, as provided in Section 705.210.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.182 Public Hearings

a) _____ When the Agency holds public hearings.

1) The Agency 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 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 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 shall schedule the hearing at a location convenient to the population center nearest to the proposed facility.

4) Public notice of the hearing shall be given as specified in Section 705.162.
b) Whenever a public hearing will be held, the Agency shall designate a hearing officer who shall be responsible for its scheduling and orderly conduct. Conduct of the hearing shall be in accordance with Agency rules and procedures, and the hearing 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 shall be accepted until the close of the public comment period. The public comment period under Subpart D of this Part shall automatically be extended to a date not later than 30 days after the close of any public hearing under this Section. The hearing officer may, upon request, also extend the comment period by not more than 30 days if reasonably necessary to assure all parties sufficient opportunity to submit comments entering an appropriate order into the record.

d) A tape recording or written transcript of the hearing 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 shall be made available on request, upon payment of reasonable costs of duplication pursuant to applicable Agency rules and procedures.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.183 Obligation to Raise Issues and Provide Information

All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the Agency’s tentative decision to deny an application or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under Subpart D of this Part. All supporting materials 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 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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.184 Reopening of Public Comment Period

a) The Agency may reopen the public comment period under this Section if doing so could expedite the decisionmaking process.

1) If the public comment period is reopened under this subsection (a), any person, including the applicant, who believes any condition of a draft permit is inappropriate or that the Agency’s tentative decision to deny an application or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, before a date, not less than 60 days after public notice given under subsection (a)(2) of this Section, set by the Agency. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material (as set forth in the preceding sentence), set by the Agency.

2) Public notice of any comment period under this subsection (a) must identify the issues to which the requirements of this subsection (a) will apply.

3) On its own motion or on the request of any person, the Agency may direct that the requirements of subsection (a)(1) of this Section will apply during the initial public comment period where the Agency determines that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) of this Section will substantially expedite the decisionmaking process. The notice of the draft permit must state whenever this has been done.

4) A comment period of longer than 60 days may be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this Section. A commenter may request
a longer comment period, and one must be granted under Subpart D of this Part to the extent that the Agency determines that a longer comment period is necessary.

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) Prepare It may prepare a new draft permit, appropriately modified, under Section 705.141;

2) Prepare It may prepare a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under subsection (ab)(3) below of this Section;

3) Reopen It may 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(e).

c) In the alternative, the Agency may revise the draft permit in response to comments and issue a final permit pursuant to Section 705.201.

d) Comments filed during the reopened comment period shall must be limited to the substantial new questions that caused its reopening. The public notice under 705.Subpart D of this Part shall must define the scope of the reopening.

d) After an extended comment period, the Agency may undertake final action under Section 705.201 that it deems appropriate based on the record.

e) Public notice of any of the above actions shall must be issued under 705.Subpart D of this Part.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT
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 shall must issue a final permit decision.

b) A final permit decision shall must consist of either of the following:

1) A letter of denial that includes each of the following:

   A) The sections Sections of the appropriate Act that may be violated if the permit were granted;

   B) The provisions of Board regulations that may be violated if the permit were granted;

   C) The specific type of information, if any, that the Agency deems the applicant did not provide with its application; and

   D) A statement of specific reasons why the Act and the regulations might not be met if the permit were granted; or

2) Issuance of a permit.

c) On the date of the final permit decision, the Agency shall must notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall must include reference to the procedures for appealing an Agency RCRA or UIC permit decision under Section 705.212.

d) A final permit shall must become effective 35 days after the final permit decision made under subsection (a) above of this Section, unless:

1) A later effective date is specified in the permit; or

2) Review is requested under Section 705.212, in which case the effective date and conditions will be stayed as provided in Sections 705.202 through 705.205.
Section 705.202 Stay upon Timely Application for Renewal of Permit Conditions upon Appeal

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.

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 stays 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.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

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

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.


(Source: Repealed at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.204 Stay upon Reap pplication 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.


(Source: Repealed at 27 Ill. Reg. 3675, effective February 14, 2003)

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) (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. 3675, effective February 14, 2003)

Section 705.210 Agency Response to Comments

a) At the time that any final permit decision is issued under Section 705.201, the Agency shall must issue a response to comments. This response shall must do the following:

1) Specify-It must 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) Briefly-It must 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 comments 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 shall be available to the public in accordance with Agency rules and procedures for access to Agency records.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Agency. The record shall be completed on the date 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.


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.212 Appeal of Agency Permit Determinations

a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the following persons may petition the Board to 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.

1) The permit applicant, and

2) Any person who filed comments on the draft permit or who participated in the public hearing on the draft permit.

b) 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 that 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

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 shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.

d) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally shall govern appeals of RCRA and UIC permits under this section; references in the procedural rules to the Agency permit application record shall mean, for purposes of this section Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

e) An appeal under subsection (a) or (b) above of this Section is a prerequisite to the seeking of judicial review of the final agency action under the Administrative Review Act—administrative review provisions of Article III of the Code of Civil Procedure [735 ILCS 5/Art. III].


(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
APPENDIX A

PROCEDURES FOR PERMIT ISSUANCE

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
APPENDIX B

MODIFICATION PROCESS

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
Section 705, Appendix C Application Process

APPENDIX C

APPLICATION PROCESS

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
Section 705, Appendix D, Application Review Process

APPENDIX D

APPLICATION REVIEW PROCESS

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 705Appendix E Public Comment Process

APPENDIX E

PUBLIC COMMENT PROCESS

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
NOTICE OF ADOPTED AMENDMENT

Section 705, Appendix F Permit Issuance or Denial

APPENDIX F

PERMIT ISSUANCE OR DENIAL

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT

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

2) **Code citation:** 35 Ill. Adm. Code 720

3) **Section numbers:**
   - Adopted action: Amend
   - 720.111

4) **Statutory authority:** 415 ILCS 5/7.2, 13, 22.4, and 27.

5) **Effective date of amendments:** February 14, 2003

6) **Does this rulemaking contain an automatic repeal date?** No.

7) **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.

8) **Statement of availability:**

   The adopted amendments, a copy of the Board’s opinion and order adopted January 9, 2003, and all materials incorporated by reference are on file at the Board’s principal office and are available for public inspection and copying.

9) **Notice of proposal published in Illinois Register:**

   November 1, 2002, 26 Ill. Reg. 15721

10) **Has JCAR issued a Statement of Objections to these rules?**

    No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
11) Differences between proposal and final version:

A table that appears in the Board’s opinion and order of January 9, 2003 in docket R03-7 summarizes the differences between the amendments proposed by the Board in an opinion and order dated January 9, 2003, in consolidated docket R03-4, and those adopted by an order dated September 5, 2002. Many of the differences are explained in greater detail in the Board’s opinion and order of January 9, 2003 adopting the amendments. None of the differences have a substantive effect.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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

Since the Notices of Proposed Amendments appeared in the November 1, 2002 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of January 9, 2003 in docket R03-7, as indicated in item 11 above. See the January 9, 2003 opinion and order in docket R03-7 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

The amendments to Part 720 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 705, 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 703. 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.
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).

16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R03-7 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board’s opinion and order of January 9, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board’s opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

720.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].
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

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


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:


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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

“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.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:


POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


MICE. Methods Information Communication Exchange Service, 703-821-4690:


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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


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,” NFPA 30, issued July 17, 1987. Also available from ANSI.

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.


“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).


POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France:


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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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:


USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:


USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson Davis Highway, first floor, Arlington, VA 22202 (Docket # F-94-IEHF-FFFFF):


POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.


10 CFR 20, Appendix B *(2001)* *(2002)*
10 CFR 71 *(2001)* *(2002)*

40 CFR 51.100(ii) *(2001)* *(2002)*

40 CFR 51, Appendix W *(2001)* *(2002)*

40 CFR 52.741, Appendix B *(2001)* *(2002)*

40 CFR 60 *(2001)* *(2002)*

40 CFR 61, Subpart V *(2001)* *(2002)*

40 CFR 63 *(2001)* *(2002)*

40 CFR 136 *(2001)* *(2002)*

40 CFR 142 *(2001)* *(2002)*

40 CFR 220 *(2001)* *(2002)*

40 CFR 232.2 *(2001)* *(2002)*

40 CFR 260.20 *(2001)* *(2002)*
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


40 CFR 268.41 (1990)


49 CFR 107 (2001)

49 CFR 171 (2001)

49 CFR 172 (2001)

49 CFR 173 (2001)

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.


d) This Section incorporates no later editions or amendments.

(Source: Amended at 27 Ill. Reg. 3712, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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) **Section numbers**: Adopted action:

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NOTICE OF ADOPTED AMENDMENT

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724.371, 724.372, 724.373  Amend
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724.417, 724.440, 724.442  Amend
724.443, 724.444, 724.445  Amend
724.447, 724.451, 724.651  Amend
724.652, 724.653, 724.654  Amend
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724.672, 724.673, 724.674  Amend
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724.702, 724.703, 724.930  Amend
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724.982, 724.983, 724.984  Amend
724.985, 724.986, 724.987  Amend
724.988, 724.989, 724.990  Amend
724.1100, 724.1101, 724.1102  Amend
724.1201, 724.1202, 724.Appendix A Amend
724.Appendix I  Amend

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

5) Effective date of amendments: February 14, 2003

6) Does this rulemaking contain an automatic repeal date?: No.
7) **Do these 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.

8) **Statement of availability:**

The adopted amendments, a copy of the Board’s opinion and order adopted January 9, 2003, and all materials incorporated by reference are on file at the Board’s principal office and are available for public inspection and copying.

9) **Notice of proposal published in Illinois Register:**

November 1, 2002, 26 Ill. Reg. 15737

10) **Has JCAR issued a Statement of Objections to these rules?**

No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) **Differences between proposal and final version:**
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A table that appears in the Board’s opinion and order of January 9, 2003 in docket R03-7 summarizes the differences between the amendments proposed by the Board in an opinion and order dated January 9, 2003, in consolidated docket R03-4, and those adopted by an order dated September 5, 2002. Many of the differences are explained in greater detail in the Board’s opinion and order of January 9, 2003 adopting the amendments. None of the differences have a substantive effect.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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

Since the Notices of Proposed Amendments appeared in the November 1, 2002 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of January 9, 2003 in docket R03-7, as indicated in item 11 above. See the January 9, 2003 opinion and order in docket R03-7 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

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.
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).

Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R03-7 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph  11-500
Chicago, IL  60601
312-814-6924

Request copies of the Board’s opinion and order of January 9, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board’s opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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 USEPA Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space
724.137 Arrangements with Local Authorities
**POLLUTION CONTROL BOARD**

**NOTICE OF ADOPTED AMENDMENT**

**SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES**

<table>
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<tr>
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<td>Purpose and Implementation of Contingency Plan</td>
</tr>
<tr>
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<td>Content of Contingency Plan</td>
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<td>Amendment of Contingency Plan</td>
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<td>Emergency Coordinator</td>
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<td>Emergency Procedures</td>
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**SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING**

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<td>Use of Manifest System</td>
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<td>Manifest Discrepancies</td>
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<td>724.173</td>
<td>Operating Record</td>
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<tr>
<td>724.174</td>
<td>Availability, Retention, and Disposition of Records</td>
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<td>Annual Report</td>
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**SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS**

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<td>Groundwater Protection Standard</td>
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<td>724.193</td>
<td>Hazardous Constituents</td>
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<td>Concentration Limits</td>
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**SUBPART G: CLOSURE AND POST-CLOSURE CARE**

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

SUBPART H: FINANCIAL REQUIREMENTS

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

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
724.270 Applicability
724.271 Condition of Containers
724.272 Compatibility of Waste With Container
724.273 Management of Containers
724.274 Inspections
724.275 Containment
724.276 Special Requirements for Ignitable or Reactive Waste
724.277 Special Requirements for Incompatible Wastes
724.278 Closure
724.279 Air Emission Standards
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART J: TANK SYSTEMS

Section
724.290 Applicability
724.291 Assessment of Existing Tank 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 Tank Systems
724.297 Closure and Post-Closure Care
724.298 Special Requirements for Ignitable or Reactive Waste
724.299 Special Requirements for Incompatible Wastes
724.300 Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

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

SUBPART L: WASTE PILES

Section
724.350 Applicability
724.351 Design and Operating Requirements
724.352 Action Leakage Rate
724.353 Response Action Plan
724.354 Monitoring and Inspection
724.356 Special Requirements for Ignitable or Reactive Waste
724.357 Special Requirements for Incompatible Wastes
NOTICE OF ADOPTED AMENDMENT

724.358 Closure and Post-closure Care
724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

SUBPART M: LAND TREATMENT

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

SUBPART N: LANDFILLS

Section
724.400 Applicability
724.401 Design and Operating Requirements
724.402 Action Leakage Rate
724.403 Monitoring and Inspection
724.404 Response Actions
724.409 Surveying and Recordkeeping
724.410 Closure and Post-closure Care
724.412 Special Requirements for Ignitable or Reactive Waste
724.413 Special Requirements for Incompatible Wastes
724.414 Special Requirements for Bulk and Containerized Liquids
724.415 Special Requirements for Containers
724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART O: INCINERATORS

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

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

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

SUBPART W: DRIP PADS

Section
724.670 Applicability
724.671 Assessment of existing drip pad integrity Existing Drip Pad Integrity
724.672 Design and installation of new drip pads Installation of New Drip Pads
724.673 Design and operating requirements Operating Requirements
724.674 Inspections
724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

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

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
724.930 Applicability
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

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

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

Section
724.980 Applicability
724.981 Definitions
724.982 Standards: General
724.983 Waste Determination Procedures
724.984 Standards: Tanks
724.985 Standards: Surface Impoundments
724.986 Standards: Containers
724.987 Standards: Closed-Vent Systems and Control Devices
724.988 Inspection and Monitoring Requirements
724.989 Recordkeeping Requirements
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

724.990 Reporting Requirements
724.991 Alternative Control Requirements for Tanks (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

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

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section
724.1200 Applicability
724.1201 Design and Operating Standards
724.1202 Closure and Post-Closure Care

724.Appendix A Recordkeeping Instructions
724.Appendix B EPA Report Form and Instructions (Repealed)
724.Appendix D Cochran’s Approximation to the Behrens-Fisher Student’s T-Test
724.Appendix E Examples of Potentially Incompatible Waste
724.Appendix I Groundwater Monitoring List

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].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


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 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.


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 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;

iii) A discharge of a material that becomes a hazardous waste when discharged; or

iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D 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 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 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 shall must comply with the following requirements:

1) The owner or operator shall must obtain an EPA a USEPA identification number by applying to USEPA using USEPA Form 8700-12;

2) The owner or operator shall must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator shall must keep the analysis accurate and up to date;

3) The owner or operator shall must prevent people who are unaware of the danger from entering the site, and the owner or operator shall must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

A) Physical That physical contact with the waste, structures, or equipment within the active portion of the remediation waste
management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and

B) Disturbance That 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 shall must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator shall must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator shall must immediately take remedial action;

5) The owner or operator shall must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;

6) The owner or operator shall must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator shall must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator shall must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);

8) The owner or operator shall must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to the requirements of Section 724.119;

10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;

11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility’s contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10) of this Section; and

13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12) of this Section.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 724.103 Relationship to Interim Status Standards

A facility owner or operator 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 accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner’s or operator’s permit application.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 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. 3725, effective February 14, 2003)

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.)

BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for notification. The federal instructions require that an owner or operator file notice for an Illinois facility file that notice with the Agency, Bureau of Land (telephone: 217-782-6762).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
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 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 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 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. 3725, effective February 14, 2003)
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 shall must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 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.

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.
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 724.177, 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) Do the residues do not meet applicable treatment standards of Subpart D of 35 Ill. Adm. Code 728.132; 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 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. 3725, effective February 14, 2003)

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:

1) Physical That physical contact with the waste, structures or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and

2) Disturbance That 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

(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 paragraphs subsections (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) 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: The requirements of paragraph subsection (b) of 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, which complies with the requirements of paragraph subsection (b)(1) or (b)(2) of this Section.)

c) Unless the owner or operator has made a successful demonstration under paragraphs subsections (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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

(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. 3725, effective February 14, 2003)

Section 724.115 General Inspection Requirements

a) The owner or operator shall must conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall must 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 shall must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

2) The owner or operator shall must 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 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,
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 shall record inspections in an inspection log or summary. The owner or operator 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. 3725, effective February 14, 2003)

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 paragraph subsection (d)(3) of this Section.

(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 jobs tasks.

2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction 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 paragraph subsection (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 paragraph subsection (a) of this Section.

c) Facility personnel must take part in an annual review of the initial training required in paragraph subsection (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 paragraph subsection (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 paragraph subsection (d)(1) of this Section;

4) Records that document that the training or job experience required under paragraphs subsections (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. 3725, effective February 14, 2003)

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 which do the following:

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 paragraphs subsections (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. 3725, effective February 14, 2003)

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 which has had displacement in Holocene time.

2) As used in subsection (a)(1) of this Section:

   A) “Fault” means a fracture along with rocks on one side have been displaced with respect to those on the other side.
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 which are located in political jurisdictions other than those listed in 40 CFR 264.Appendix VI (1988), incorporated by reference in 35 Ill. Adm. Code 720.111, 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:

A) Procedures. That procedures are in effect 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 effect 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

iv) The impact of hazardous constituents on the sediments of 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 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 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. 3725, effective February 14, 2003)

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 724.401(c) and (d). The program must ensure that
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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);
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) 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) 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) above of this Section;

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 accept an alternative 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. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

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 which could threaten human health or the environment.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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;

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: 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. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

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: 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. 3725, effective February 14, 2003)

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 which could threaten human health or the environment.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.153 Copies of Contingency Plan

A copy of the contingency plan and all revisions to the plan must be:

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.

(Comment: BOARD NOTE: 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. 3725, effective February 14, 2003)

Section 724.154 Amendment of Contingency Plan

The contingency plan shall must be reviewed, and immediately amended, if necessary, when any of the following occurs:

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. 3725, effective February 14, 2003)

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.

(Comment: BOARD NOTE: 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 waste(s) handled by the facility, and type and complexity of the facility.)

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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) 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 **shall must** immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator **shall must** assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off 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 **shall must** report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator **shall must** immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator **shall must** 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 materials involved, to the extent known;

E) The extent of injuries, if any; and

F) The possible hazards to human health or the environment outside the facility.
e) During an emergency, the emergency coordinator shall must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator shall must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

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

BOARD NOTE: Unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d) or (e), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 724.

h) The emergency coordinator shall must ensure that the following is true 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 shall must notify the Agency and appropriate state and local authorities that the facility is in compliance with subsection (h) above of this Section before operations are resumed in the affected areas of the facility.

j) The owner or operator shall must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator shall must submit a written report on the incident to the Agency. The report must include the following:
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT

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.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 which treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 which they generated at that facility.

d) Within three working days of the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of the facility must provide a copy of the 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 tracking document must be maintained at the facility for at least three years from the date of signature.
Section 724.172  Manifest Discrepancies

a) **Definition of a “manifest discrepancy.”**

1) **Manifest discrepancies are differences.** A manifest discrepancy is a difference 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) **Significant discrepancies.** A significant discrepancy in quantity are is as follows:

   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 which that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

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.

(Section: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.173  Operating Record

a) The owner or operator **shall must** keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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
NOTICE OF ADOPTED AMENDMENT

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;


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 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
NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

Section 724.175 Annual Report

The owner or operator must 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 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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; and

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. 3725, effective February 14, 2003)

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 EPA identification number, name, and address of the facility;
b) The date the facility received the waste;

c) The EPA/USEPA 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: 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. 3725, effective February 14, 2003)

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 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. 3725, effective February 14, 2003)
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 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 or landfill that receives hazardous waste after July 26, 1982 (hereinafter referred to in this Subpart F 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 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 runon and runoff.

   D) Has both inner and outer layers of containment enclosing the waste.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 paragraph subsection (b) can only relieve an owner or operator of responsibility to meet the requirements of this Subpart F during the post-closure care period; or

4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified 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 migration of liquid, the owner or operator shall must base any predictions made under this paragraph subsection (b) on assumptions that maximize the rate of liquid migration; or

5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).

c) The regulations under this Subpart F apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart F:
1) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;

2) Apply during the post-closure care period 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” 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. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 724.191 Required Programs

a) Owners and operators subject to this Subpart F 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 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 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 shall institute a corrective action program under Section 724.200; or

4) In all other cases, the owner or operator shall institute a detection monitoring program under Section 724.198.

b) The Agency 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 paragraph subsection (a) of this Section in the facility permit as may be necessary to protect human health and the environment and 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 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. 3725, effective February 14, 2003)
Section 724.192  Groundwater Protection Standard

The owner or operator **shall** **must** 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 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. 3725, effective February 14, 2003)

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 paragraph subsection (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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 paragraph subsection (b) of this Section about the use of groundwater in the area around the facility, the Agency must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.

d) The Agency shall make specific written findings in granting any exemptions under paragraph subsection (b) of this Section.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.194 Concentration Limits

a) The Agency must specify in the facility permit concentration limits in the groundwater for hazardous constituents established under Section 724.193. The following must be true of the concentration of a hazardous constituent:

1) It must not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or

2) For any of the constituents listed in Table 1, it must not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or

3) It must not exceed an alternate limit established by the Agency under paragraph subsection (b) of this Section.
TABLE 1 -- MAXIMUM CONCENTRATION OF CONSTITUENTS FOR GROUNDWATER PROTECTION

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>0.05</td>
</tr>
<tr>
<td>Barium</td>
<td>1.0</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.01</td>
</tr>
<tr>
<td>Chromium</td>
<td>0.05</td>
</tr>
<tr>
<td>Lead</td>
<td>0.05</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.002</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.01</td>
</tr>
<tr>
<td>Silver</td>
<td>0.05</td>
</tr>
<tr>
<td>Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydroendoendo-endo-1,4:--5,8-dimethanonaphthalene)</td>
<td>0.0002</td>
</tr>
<tr>
<td>Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)</td>
<td>0.004</td>
</tr>
<tr>
<td>Methoxychlor (1,1,1-Trichloro-2,2’-bis-(p-methoxyphenyl)ethane)</td>
<td>0.1</td>
</tr>
<tr>
<td>Toxaphene (Technical chlorinated camphene, 67-69 percent chlorine)</td>
<td>0.005</td>
</tr>
<tr>
<td>2,4-D (2,4-Dichlorophenoxyacetic acid)</td>
<td>0.1</td>
</tr>
<tr>
<td>2,4,5-TP (Silvex) (2,4,5-Trichlorophenoxypropionic acid)</td>
<td>0.01</td>
</tr>
</tbody>
</table>

b) The Agency will must establish an 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 alternate concentration limit is not exceeded. In establishing alternate concentration limits, the Agency will must consider the following factors:

1) Potential adverse effects on groundwater quality, considering the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity of groundwater and the direction of groundwater flow;

D) The proximity and withdrawal rates of groundwater users;

E) The current and future uses of groundwater in the area;

F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

G) The potential for health risks caused by human exposure to waste constituents;

H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

I) The persistence and permanence of the potential adverse effects; and

2) Potential adverse effects on hydraulically-connected surface-water quality, considering the following:

A) The volume and physical and chemical characteristics of the waste in the regulated unit;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity and quality of groundwater, and the direction of groundwater flow;

D) The patterns of rainfall in the region;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 paragraph subsection (b) of this Section about the use of groundwater in the area around the facility, the Agency will—must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.

d) The Agency—shall must make specific written findings in setting any alternate concentration limits under paragraph subsection (b) of this Section.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.195 Point of Compliance

a) The Agency will—must 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

Section 724.196 Compliance Period

a) The Agency must 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 paragraph subsection (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. 3725, effective February 14, 2003)

Section 724.197 General Groundwater Monitoring Requirements

The owner or operator must comply with the following requirements for any groundwater monitoring program developed to satisfy Section 724.198, 724.199, 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:

1) 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.

2) They represent the quality of groundwater passing the point of compliance.

3) They 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 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 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 which must be specified in the unit permit upon approval by the Agency. This sampling procedure must fulfill the following requirements:

1) AIt may be 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) An It may be an alternate sampling procedure proposed by the owner or operator and approved by the Agency.

h) The owner or operator shall specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent 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
(pqls) 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 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, 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 and the environment. Any practical quantification limit (pQL) approved by the Agency under subsection (h) of this Section 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 temporal 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 shall specify in the permit when the data must be submitted for review.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.198 Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this Subpart F shall, at a minimum, discharge the following responsibilities:

a) The owner or operator 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 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 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 shall conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit pursuant to subsection (a) of this Section in accordance with Section 724.197(g). The owner or operator 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 shall must 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 shall must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

f) The owner or operator shall must 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 shall must use the method(s) methods specified in the permit under Section 724.197(h). These method(s) methods must compare data collected at the compliance point(s) points to the background groundwater quality data.

2) The owner or operator shall must 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 shall must 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 shall must do the following:
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 present, and if so, in what concentration.

3) For any Appendix I compounds in 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 Appendix I constituent in Appendix I of this Part 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 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 paragraph subsection (g) 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 shall must do the following:
NOTICE OF ADOPTED AMENDMENT

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 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 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. 3725, effective February 14, 2003)

Section 724.199 Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this Subpart shall, at a minimum, discharge the following responsibilities:

a) The owner or operator shall monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

3) The compliance point under Section 724.195; and

4) The compliance period under Section 724.196.

b) The owner or operator shall must 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), and 724.197(c).

c) The Agency shall must 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 shall must conduct a sampling program for each chemical parameter or hazardous constituent in accordance with Section 724.297(g).

2) The owner or operator shall must 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 shall must 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 shall must 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 shall must 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 shall must specify that time period in the facility permit, after considering the complexity of the statistical test and
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

the availability of laboratory facilities to perform the analysis of groundwater samples.

e) The owner or operator must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

f) The Agency must 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 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 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 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 following:

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

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 shall do the following:

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 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.

j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this Section, the owner or operator shall.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 **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 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 **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 **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 **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, 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) **Location.** At the following locations:

   A) Between the compliance point under Section 724.195 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 paragraph must be initiated and completed within a reasonable period of time considering the extent of contamination.

   B) Corrective action measures under this paragraph may be terminated once the concentration of hazardous constituents under Section 724.193 is reduced to levels below their 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 section, 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. 3725, effective February 14, 2003)

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 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 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. 3725, effective February 14, 2003)

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 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 performance standard of Section 724.211 (a) and (b).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.211 Closure Performance Standard

The owner or operator must 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. 3725, effective February 14, 2003)

Section 724.212 Closure Plan; Amendment of Plan

a) Written plan required.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) The owner or operator of a hazardous waste management facility 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 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 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 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 of off-site hazardous waste management units to be used, if applicable; and
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and runon and runoff control;

6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities 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.);

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;

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 containing those alternative requirements.

c) Amendment of the plan. The owner or operator 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, 704, 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 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 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 which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator 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), 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 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
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall must submit the modified plan within 60 days after the Agency’s request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.

d) Notification of partial closure and final closure.

1) The owner or operator shall must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator shall must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator shall must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

2) The date when the owner or operator “expects to begin closure” must be either of the following:

A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator have taken; and will continue to take; all steps to prevent threats to human health and the environment, including
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

compliance with all applicable permit requirements, the Agency shall must approve an extension to this one-year limit; or

B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall must 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 shall must close the facility in accordance with the deadlines established in Section 724.213.

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

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Agency must approve a longer closure period if the owner or operator demonstrates, as follows:

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.

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)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 that the following:

A) That the unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; and

B) That 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 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 of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and

E) That 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 724.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; and

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 which is not in compliance with the liner and leachate collection system requirements in Section 724.321(c), (d), or (e) shall must 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

i) That the removal of hazardous wastes will, of necessity, take longer than the 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) Must-It 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) May-It may be a portion of a corrective action plan previously submitted under Section 724.199.

C) May-It 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.

D) Must-It 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) Release—Definition of “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) Shall-The owner or operator must implement the contingent corrective measures plan.

C) May-The owner or operator 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 provide semi-annual reports to the Agency which do the following:

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 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.

A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

accordance with the approved contingent corrective measures plan;

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;

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 shall follow the procedures of Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code. 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 shall must do as follows: 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 standard.

vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator must 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 shall must 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. 3725, effective February 14, 2003)

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 handle that waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 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).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 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, 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. 3725, effective February 14, 2003)

Section 724.217 Post-closure Care and Use of Property

a) 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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, 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, 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, if and the Board finds 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 that the reduced period is sufficient to protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the waste, 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 finds 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 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 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 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, 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 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 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 plan as specified in Section 724.218.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

of this Section shall must keep the approved post-closure care plan during the remainder of the post-closure care period.

d) Amendment of plan. The owner or operator shall must submit a written notification of or request for a permit modification to authorize a change in the 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 shall must 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 shall must 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 which that 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) shall must submit a post-closure care plan to the Agency
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 shall be approved, disapproved, or modified in accordance with the procedure in 35 Ill. Adm. Code 703 and 705.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.219 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 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 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 shall do the following:

1) Record a notation on the deed to the facility property -- or on some other instrument which is normally examined during title search -- that will in perpetuity notify any potential purchaser of the property: as follows:
A) That the land has been used to manage hazardous wastes; and

B) That its use is restricted under this Subpart G; and

C) That 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 to the Agency, 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 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 shall demonstrate that the removal of hazardous wastes will satisfy the criteria of Section 724.217(c). By removing hazardous waste, the owner or operator may become a generator of hazardous waste and 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 a 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. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 724.220 Certification of Completion of 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 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. 3725, effective February 14, 2003)

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;

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 724.358;

3) Tank systems that 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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), and (c).

c) “Current post-closure cost estimate” means the most recent of the estimates prepared in accordance with Section 724.244(a), (b), and (c).

d) “Parent corporation” means a corporation 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.

“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 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 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.

“Accidental occurrence” means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

“Bodily injury” means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities, which consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.


“Environmental damage” means the injurious presence in or upon land, the atmosphere, or any watercourse or body of water of solid, liquid, gaseous, or thermal contaminants, irritants, or pollutants.

BOARD NOTE: This term is used in the definition of “pollution incident”.

“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 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, and waste.

BOARD NOTE: This definition is used in the definition of “pollution incident.”

“Pollution incident” means emission, discharge, release, or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release, or escape results in “environmental damage.” The entirety of any such emission, discharge, release, or escape shall must be deemed to be one “pollution incident.”

“Waste” includes materials to be recycled, reconditioned, or reclaimed. 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 which that, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

“Sudden accidental occurrence” means an occurrence 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. 3725, effective February 14, 2003)

Section 724.242 Cost Estimate for Closure

a) The owner or operator shall have detailed a written estimate, in current dollars, of the cost of closing 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 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

b) During the active life of the facility, the owner or operator  

shall must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial 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  

shall must revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation, as specified in Section 724.242(b).

d) The owner or operator  

shall must keep the following at the facility during the operating life of the facility: 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. 3725, effective February 14, 2003)

Section 724.243 Financial Assurance For Closure

An owner or operator of each facility  

shall must establish financial assurance for closure of the facility. The owner or operator  

shall must choose from the options that are 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 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 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 has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

2) The wording of the trust agreement must be 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 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 formula:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Next payment = (CE - CV) / 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 formula:

Next payment = (CE - CV) / 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator must compare the new estimate with the trustee’s most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current 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 subsection (a)(7) or (a)(8) of this Section, the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) 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 shall must 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 shall must 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 shall must provide the owner or operator with a detailed written statement of reasons.

11) The Agency shall must 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 which conforms to the requirements of this subsection (b) and submitting the bond to the Agency. An owner or operator of a new facility shall must 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 as that specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall must also establish a standby trust fund. Under the
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) of this Section except that as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund as specified in subsection (a) of this Section;

ii) Updating of Schedule A of the trust agreement (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;

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 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, shall must 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 evidence by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of 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 Section by obtaining a surety bond which that conforms to the requirements of this subsection (c) and submitting the bond to the Agency. An owner or operator of a new facility shall must 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 as specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section 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:

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 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 increase, shall must 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 shall must provide such written consent when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

10) The surety shall must not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 which conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility 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 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 as specified in Section 724.251.

3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section 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 be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) of this Section, except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.

i) Payments into the trust fund as specified in subsection (a) of this Section;

ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 EPA Identification Number, USEPA 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 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current 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, shall must 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.

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.
If the owner or operator does not establish alternate financial assurance, as specified in this Section, and obtain written approval of such 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 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 shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.

The Agency shall return the letter of credit to the issuing institution for termination 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) of this Section.

e) Closure insurance.

An owner or operator may satisfy the requirements of this Section by obtaining closure insurance 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 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, 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, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

The wording of the certificate of insurance must be as specified in Section 724.251.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 shall withhold reimbursement of such amounts as that 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 shall provide the owner or operator with a detailed written statement of reasons.

6) The owner or operator 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 financial assurance as specified in this Section, will constitute a significant
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur, and the policy will remain in full force and effect, in the event that on or before the date of expiration one of the following occurs:

A) The Agency deems the facility abandoned;

B) The permit is terminated or revoked or a new permit is denied;

C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. of the United States Code (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, **shall** **must** 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 **shall** **must** 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 alternate **alternative** financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

f) Financial test and corporate guarantee for 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 **shall** **must** meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) of this Section:

A) The owner or operator **shall** **must** have the following:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall have the following:

i) A current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor’s or Aaa, Aa, A, or Baa as issued by Moody’s; 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 cost estimates and the current plugging and abandonment cost estimates.

2) The phrase “current closure and post-closure cost estimates,” as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1-4 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,” 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 that the following:

i) The accountant has compared the data 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 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 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 shall send notice to the Agency of intent to establish alternative financial assurance, as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternative financial assurance within 120 days after the end of such fiscal year.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall provide 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 shall evaluate other qualifications on an individual basis. The owner or operator shall provide 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 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 shall meet the requirements for owners or operators in subsections (f)(1) through (f)(8) of this Section, shall comply with the terms of the corporate guarantee, and the wording of the corporate guarantee must be as specified in Section 724.251. The 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 that as follows:

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 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 alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, and insurance. The mechanisms must be as specified in subsections (a), (b), (d), and (e) of this Section, respectively, except that it is the combination of mechanisms, rather than
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

the single mechanism, 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 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 independent registered professional engineer that final approved closure has been accomplished in accordance with the closure plan, the Agency 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 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

2) Requiring alternative assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.244 Cost Estimate for Post-closure Care

a) The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, or landfill unit, or the owner or operator of a surface impoundment or waste pile required under Sections 724.328 or 724.358 to prepare a contingent closure and post-closure plan shall have a detailed 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 shall adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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. 3725, effective February 14, 2003)

Section 724.245 Financial Assurance for Post-Closure Care

An owner or operator of a hazardous waste management unit subject to the requirements of Section 724.244 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 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 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 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 disposal. The trustee must be an entity which has the authority to act as a trustee and whose trust...
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

operations are regulated and examined by a Federal or State agency.

2) The wording of the trust agreement must be as that specified in Section 724.251 and the trust agreement accompanied by a formal certification of acknowledgment (as specified in Section 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the “pay-in period.” The payments into the post-closure trust fund must be made as follows:

A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (g) of this Section, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this following formula:

Next payment = (CE - 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

B) If an owner or operator establishes a trust fund, as specified in 35 Ill. Adm. Code 725.245(a), and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3) of this Section. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by the following formula:

\[
\text{Next payment} = \frac{(CE - CV)}{Y}
\]

where \( CE \) 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 shall must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3) of this Section.

5) If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this Section or in 35 Ill. Adm. Code 725.245, its first payment must be 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 shall must compare the new estimate with the trustee’s most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall must either deposit an
amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance, as specified in this Section, to cover the difference.

7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.

8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds, as specified in subsection (a)(7) or (a)(8) of this Section, the Agency 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 approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.

11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency must instruct the trustee to make requirements in those amounts as that the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

12) The Agency must agree to termination of the trust when either of the following occurs:

   A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 as specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) of this Section, except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund as specified in subsection (a) of this Section;

ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

iii) Annual valuations as required by the trust agreement; and
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 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, 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 evidence by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternative financial assurance, as specified in this Section.

c) Surety bond guaranteeing performance of post-closure care.

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond—

conforms to the requirements of this subsection (c) and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2) The wording of the surety bond must be as specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a) of this Section, except that as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund, as specified in subsection (a) of this Section;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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, 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must approve a decrease in the penal sum if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

10) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency shall must provide such written consent when either of the following occurs:

   A) An owner or operator substitutes alternate alternative financial assurance as specified in this Section; or

   B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

11) The surety will not be liable for deficiencies in the performance of post-closure care by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

d) Post-closure letter of credit.

   1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which that conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility shall must submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must
be an entity 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 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 also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) of this Section, except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund as specified in subsection (a) of this Section;

ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

iii) Annual valuations as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number USEPA identification number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.
5) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g) of this Section.

7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, 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 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 alternate financial assurance, as specified in this Section, and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

beyond the current expiration date, the Agency shall must draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency shall must draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.

11) The Agency shall must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

e) Post-closure insurance.

1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance 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 shall must submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer shall must be licensed to transact the business of insurance; or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) The wording of the certificate of insurance must be 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 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 reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.

6) The owner or operator 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 financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act [415 ILCS 5]. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or
operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect, in the event that on or before the date of expiration one of the following occurs:

A) The Agency deems the facility abandoned;

B) The permit is terminated or revoked or a new permit is denied;

C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. of the United States Code (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the life of the facility, the owner or operator, within 60 days after the increase, shall must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency; or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer shall must thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.
11) The Agency 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 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 shall meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) of this Section:

A) The owner or operator 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 shall have the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

i) A current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor’s or Aaa, Aa, A, or Baa as issued by Moody’s; 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,” as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner’s or operator’s chief financial officer (40 CFR 264.151(f), incorporated by reference in Section 724.251). The phrase “current plugging and abandonment cost estimates,” as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner’s or operator’s chief financial officer (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 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 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 that the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

i) The accountant has compared the data—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—which caused the accountant to believe that the specified data should be adjusted.

4) An owner or operator of a new facility shall must submit the items specified in subsection (f)(3) of this Section to the Agency at least 60 days before the date on which hazardous waste is first received for disposal.

5) After the initial submission of items specified in subsection (f)(3) of this Section, the owner or operator shall must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) of this Section.

6) If the owner or operator no longer meets the requirements of subsection (f)(1) of this Section, the owner or operator shall must send notice to the Agency of intent to establish 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 shall must provide the 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 shall must provide 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 shall must evaluate other qualifications on an individual basis. The owner or operator shall must provide alternate alternative financial assurance as specified in this Section within 30 days after notification of the disallowance.

9) During the period of post-closure care, the Agency shall must approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.

10) The owner or operator is no longer required to submit the items specified in subsection (f)(3) of this Section when either of the following occurs:

A) An owner or operator substitutes alternate alternative financial assurance as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as “corporate guarantee.” The guarantor shall 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 shall must meet the requirements for owners or operators in subsections (f)(1) through (f)(9) of this Section, and shall must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be as that specified in Section 724.251. A certified copy of the corporate guarantee must accompany the items sent to the Agency as specified in subsection (f)(3) of this Section. One of these items must be the letter from the guarantor’s chief financial officer. If the guarantor’s parent corporation is also the parent corporation of the owner or operator,
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 that as follows:

A) **That if** the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a) of this Section in the name of the owner or operator.

B) **That the** corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

C) **That if** the owner or operator fails to provide alternative financial assurance as specified in this Section and obtain the written approval of such alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsections (a), (b), (d), and (e) of this Section, respectively, except that it is the combination of mechanisms, rather than the single mechanism, 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 EPA Identification Number USEPA identification number, name, address, and the amount of funds for post-closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator’s facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and 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 shall must notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care of that unit, unless the Agency determines that post-closure care has not been in accordance with the approved post-closure plan. The Agency shall must 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 702.184(e)(3)):

1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit, or insurance;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

2) Requiring 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. 3725, effective February 14, 2003)

Section 724.246 Use of a Mechanism for Financial Assurance of Both Closure and 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. 3725, effective February 14, 2003)

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, 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 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) below of this Section:

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 as that specified in Section 724.251. The wording of the certificate of insurance must be as that specified in Section 724.251. The owner or operator shall submit a signed
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall must 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 which that 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) below of this Section.

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) below of this Section.

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) below of this Section.

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) below of this Section.

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 specify at least one such assurance as “primary” coverage; and shall specify other such assurance as “excess” coverage.

7) An owner or operator 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 in subsections (a)(1) through (a)(6) above of this Section;

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) above of this Section; 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) above of this Section.

b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill, land treatment facility, or disposal miscellaneous unit which is used to manage hazardous waste, or a group of such facilities, 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 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 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) below of this Section:

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 as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility 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 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) below of this Section.

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) below of this Section.
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) below of this Section.

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) below of this Section.

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 (b), the owner or operator shall specify at least one such assurance as “primary” coverage, and shall specify other such assurance as “excess” coverage.

7) An owner or operator 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 in subsections (b)(1) through (b)(6) above of this Section;

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) above of this Section; or

C) A final court order establishing a judgment 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (b)(1) through (b)(6) above of this Section.

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) above of this Section 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) above of this Section. 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) above of this Section 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 adjust the level of financial responsibility required under subsection (a) or (b) above of this Section 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 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) above of this Section. An owner or operator 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
which that 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 shall must 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 shall must meet the criteria of subsection (f)(1)(A) or (f)(1)(B) below of this Section:

A) The owner or operator shall must 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 shall must have the following:

   i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor’s, or Aaa, Aa, A or Baa as issued by Moody’s; and
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

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) above of this Section, refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b) above of this Section.

3) To demonstrate that it meets this test, the owner or operator 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 shall submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter 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 that the following:

i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 which caused the accountant to believe that the specified data should be adjusted.

4) An owner or operator of a new facility shall must submit the items specified in subsection (f)(3) of this Section to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

5) After the initial submission of items specified in subsection (f)(3) of this Section, the owner of operator shall must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) of this Section.

6) If the owner or operator no longer meets the requirements of subsection (f)(1) of this Section, the owner or operator shall must 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). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall must evaluate other qualifications on an individual basis. The owner or operator shall must 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Subject to subsection (g)(2) below of this Section, an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a “guarantee.” The guarantor 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 shall meet the requirements for owners and operators in subsections (f)(1) through (f)(6) above of this Section. The wording of the guarantee must be 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) above of this Section. One of these items must be the letter from the guarantor’s chief financial officer. If the guarantor’s parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a “substantial business relationship” with the owner or operator, this letter must describe this “substantial business relationship” and the value received in consideration of the guarantee. The terms of the guarantee must provide for the following:

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 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) 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 liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.

2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states as follows:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 shall be an entity 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 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 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. 32, par. 1551-1 et seq. [205 ILCS 620/1-1 et seq.]).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

5) The wording of the standby trust fund must be identical to the wording that 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 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 be licensed by the Illinois Department of Insurance.

3) The wording of the surety bond must be 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 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 be an entity 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. 32, 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 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 which is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

4) The wording of the trust fund must be as specified in Section 724.251.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 11 U.S.C. Title 11 of the United States Code (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. 3725, effective February 14, 2003)

Section 724.251 Wording of the Instruments

The Board incorporates by reference 40 CFR 264.151 (1992), as amended at 59 Fed. Reg. 29960, June 10, 1994 (2002). This Section incorporates incorporation includes no later amendments or editions. The Agency shall must 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 shall must do so only upon the standardized
forms promulgated by the Agency. The Agency shall must reject any financial assurance document that is not submitted on such standardized forms.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 724.270 Applicability

The regulations in this Subpart I apply to the owner or operator of all hazardous waste facilities that store containers of hazardous waste, except as Section 724.101 provides otherwise.

(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. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

Section 724.272 Compatibility of Waste With Container

The owner or operator must use a container made of or lined with materials that will not react with, and which are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
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 which may rupture the container or cause it to leak.

(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. 3725, effective February 14, 2003)

Section 724.274 Inspections

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: See Sections 724.115(c) and 724.271 for remedial action required if deterioration or leaks are detected.)

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.275 Containment

a) Container storage areas must have a containment system that is designed and operated in accordance with paragraph subsection (b) of this Section, except as otherwise provided by paragraph subsection (c) of this Section.

b) A containment system must be designed and operated as follows:

1) A base must underlay the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

2) The base must be sloped or the 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% 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 paragraph subsection (b)(3) of this Section to contain any run-on 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: 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 liquids need not have a containment system defined by paragraph subsection (b) of this Section, except as provided by paragraph subsection (d) of this Section, or provided that as follows:

1) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or

2) 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 paragraph subsection (b) of this Section: F020, F021, F022, F023, F026, and F027.
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: See Section 724.117(a) for additional requirements.)

Section 724.277 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 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: 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 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, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(Board Note: The purpose of this Section is to prevent fires, explosions, gaseous emission, leaching, or other discharge of hazardous waste or hazardous waste constituents, which could result from the mixing of incompatible wastes or materials if containers break or leak.)

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, or other documentation to assure compliance with Section 724.117(b).
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.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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: 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. 3725, effective February 14, 2003)

Section 724.279 Air Emission Standards

The owner or operator must manage all hazardous waste placed in a container in accordance with the requirements of Subparts AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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) below of this Section 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 Method 9095 (Paint Filter Liquids Test), as described in
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


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. 3725, effective February 14, 2003)

Section 724.291 Assessment of Existing Tank 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 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 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 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 standard(s), if available, according to which the tank and ancillary equipment were constructed;

2) Hazardous characteristics of the waste(s) that have been and will be handled;

3) Existing corrosion protection measures;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) Documented age of the tank system, if available (otherwise an estimated estimate of the age); and

5) Results of a leak test, internal inspection, or other tank integrity examination such so 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 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 shall must comply with the requirements of Section 724.296.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.292 Design and Installation of New Tank Systems or Components

a) Owners or operators of new tank systems or components shall must 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 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 standard(s) according to which tank(s) and/or the ancillary equipment are constructed;

2) Hazardous characteristics of the 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:

      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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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: 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:

A) Tank tank foundations will maintain the load of a full tank;

B) Tank tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

is located within a seismic fault zone subject to the standards of Section 724.118(a); and

C) Tank That tank systems will withstand the effects of frost heave.

b) The owner or operator of a new tank system shall must 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/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 that are backfilled must be provided with a backfill material that is noncorrosive, porous, and homogeneous substance 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 to be tight, all repairs necessary to remedy the 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.


f) The owner or operator must 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.

g) The owner or operator must 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. 3725, effective February 14, 2003)

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 subsections (f) and (g) of this Section).

1) For all new tank systems or components, prior to their being put into service;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

2) For all existing tank systems used to store or treat Hazardous Waste Numbers F020, F021, F022, F023, F026, 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 be fulfill the following:

1) Designed. It must be 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) Capable. It must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

c) To meet the requirements of subsection (b) of this Section, secondary containment systems must be at a minimum, fulfill the following:

1) Constructed. It must be constructed of or lined with materials that are compatible with the waste(s) wastes to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions,
and the stress of daily operation (including stresses from nearby vehicular traffic);

2) Placed. It must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

3) Provided. It must be provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, 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) Sloped. It must be 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.
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) **External** An external liner system must be fulfill the following:

   A) **Designed** It must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary.

   B) **Designed** It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.

   C) **Free** It must be free of cracks or gaps; and

   D) **Designed** It must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e., it is capable of preventing lateral as well as vertical migration of the waste).

2) **Vault systems** A vault system must be fulfill the following:

   A) **Designed** It must be designed or operated to contain 100 percent of the capacity of the largest tank within the vault system’s boundary;
B) **Designed**—*It must be designed* or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) **Constructed**—*It must be constructed* with chemical-resistant water stops in place at all joints (if any);

D) **Provided**—*It must be 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) **Provided**—*It must be provided* with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated fulfills the following:

   i) **Meets**—*It meets* the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or

   ii) **Meets**—*It meets* the definition of reactive waste under 35 Ill. Adm. Code 721.123, and may form an ignitable or explosive vapor;

F) **Provided**—*It must be provided* with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

3) **Double-walled tanks**—A double-walled tank must be fulfill the following:

   A) **Designed**—*It must be designed* as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

   B) **Protected**—*It must be protected*, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

C) Provided it must be 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,” incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.

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 for as follows:

1) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

3) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

g) Pursuant to Section 28.1 of the Environmental Protection Act [415 ILCS 5/28.1], and in accordance with 35 Ill. Adm. Code 106 Subpart D 101 and 104, 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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), shall must do the following:

A) Comply-It must comply with the requirements of Section 724.296, except Section 724.296(d) and

B) Decontaminate-It must 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

ii) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water;

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), shall must do the following:
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 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 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 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 106.Subpart D.101 and 104:

1) The owner or operator must 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 also submit the following to the Board:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 subsection (g)(1) or (g)(2) of this Section; and


3) The owner or operator shall complete its showing within 180 days after filing its petition for approval of alternative design and operating practices.

4) The Agency 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 shall do 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. Code 720.111, may be used, where applicable, as guidelines for assessing the overall condition of the tank system.

4) The owner or operator 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 shall comply with the requirements of Section 724.296.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 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 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. 3725, effective February 14, 2003)

Section 724.295 Inspections

a) The owner or operator shall develop and follow a schedule and procedure for inspecting overfill controls.

b) The owner or operator 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., 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: 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 may require the owner or operator to notify the National Response Center of a release.)

c) The owner or operator shall inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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: 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 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. 3725, effective February 14, 2003)

Section 724.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-use Tank Systems

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

a) Cease using; prevent flow or addition of wastes. The owner or operator must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

b) Removal of waste from tank system or secondary containment system.

1) If the release was from the tank system, the owner or operator must, within 24 hours after detection of the leak 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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) if the following is true:

A) Less. The spill was less than or equal to a quantity of one (1) pound; and

B) Immediately. It was 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 subsection (f) of this Section are satisfied. If a component is replaced to comply with the requirements of this subsection (e), 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 or on-ground 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. 3725, effective February 14, 2003)

Section 724.297 Closure and Post-Closure Care

a) At closure of a tank system, the owner or operator 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 practically removed or decontaminated as required in subsection (a) of this Section, then the owner or operator 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

owner or operator shall must 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 that which 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.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.298 Special Requirements for Ignitable or Reactive Waste

a) Ignitable or reactive waste must not be placed in 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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. 3725, effective February 14, 2003)

Section 724.299 Special Requirements for Incompatible Wastes

a) Incompatible wastes; or incompatible wastes and materials; must not be placed in the same tank system, unless Section 724.117(b) is complied with.

b) Hazardous waste must not be placed in a tank system 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. 3725, effective February 14, 2003)

Section 724.300 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the requirements of 724. Subparts AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART K: SURFACE IMPOUNDMENTS

Section 724.320 Applicability

The regulations in this Subpart K 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. 3725, effective February 14, 2003)

Section 724.321 Design and Operating Requirements

a) Any surface impoundment that is not covered by subsection (c) below of this Section 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) above of this Section 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 Subpart G 101 and 104. The level of justification is a demonstration by the owner or operator that 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 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 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, 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, 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 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) above of this Section.

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) **Constructed** It is constructed with a bottom slope of one percent or more;

B) **Constructed** It is 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$^2$/sec or more;

C) **Constructed** It is 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

overlying wastes and any waste cover materials or equipment used at the surface impoundment;

D) Designed It is designed and operated to minimize clogging during the active life and post-closure care period; and

E) Constructed It is 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(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 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) above of this Section will not apply if the owner or operator 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) Will It 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) above of this Section; and

2) Will It 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) above of this Section 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 which that 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, groundwater, or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of subsection (c) of this Section 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;

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) above of this Section 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 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. 3725, effective February 14, 2003)

Section 724.322 Action Leakage Rate

a) The Agency 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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. 3725, effective February 14, 2003)

Section 724.323 Response Actions

a) The owner or operator of surface impoundment units subject to Section 724.321(c) or (d) 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) below of this Section.

b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator shall do the following:

1) Notify the Agency in writing of the exceedence within 7 days after the determination;

2) Submit a preliminary written assessment to the Agency within 14 days after 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) above of this Section, 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 shall must 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) above of this Section, the owner or operator shall must do 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. 3725, effective February 14, 2003)
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.

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 shall obtain a certification from a qualified engineer that the impoundment’s dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the following are true of the dike:

  1) It 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 not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

d) Monitoring of LDS.

1) An owner or operator required to have a LDS under Section 724.321(c) or (d) shall must 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 shall must 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. 3725, effective February 14, 2003)

Section 724.327 Emergency Repairs; Contingency Plans

a) A surface impoundment must be removed from service in accordance with paragraph subsection (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

2) The dike leaks.
b) When a surface impoundment must be removed from service as required by paragraph subsection (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 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 paragraph subsection (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 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 and that is not being repaired must be closed in accordance with the provisions of Section 724.328.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.328 Closure and Post-Closure Care

a) At closure, the owner or operator shall must do the following:

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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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:

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) above, 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 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) above and a contingent plan for complying with subsection (a)(2) above in case not all contaminated subsoils can be practically removed at closure; and
B) The owner or operator shall 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 724.242 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.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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;

b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

c) The surface impoundment is used solely for emergencies.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous Wastes F020, F021, F022, F023, F026, 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), 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, 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, 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. 3725, effective February 14, 2003)

Section 724.332 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of Subparts BB and CC of this Part.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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. 3725, effective February 14, 2003)

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 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 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 pressures 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) above of this Section 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 106 Subpart G 101 and 104. The level of justification is a demonstration by the owner or operator that 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 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 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 commences after January 29, 1992, each lateral expansion of a waste pile unit on which construction commences after July 29, 1992, and each replacement of an existing waste pile unit that is to commence reuse after July 29, 1992, shall install two or more liners and a leachate collection and removal system above and between such liners. “Construction commences” is as defined in Section 720.110 under “existing facility”.

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) above of this Section.

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 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) below of this Section.

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of $3 \times 10^{-5}$ m$^2$/sec or more; 

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 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 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 demonstrate that the operation of the LDS will not be adversely affected by the presence of groundwater.

d) The Agency must approve alternative design or operating practices to those specified in subsection (c) 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) above; and
2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.

e) Subsection (c) above of this Section 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) above of this Section 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 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 shall must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.

h) The owner or operator shall 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.

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

j) If the pile contains any particulate matter that may be subject to wind dispersal, the owner or operator shall cover or otherwise manage the pile to control wind dispersal.

k) The Agency 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. 3725, effective February 14, 2003)

Section 724.352 Action Leakage Rate

a) The Agency 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 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 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. 3725, effective February 14, 2003)

Section 724.353 Response Action Plan

a) The owner or operator of waste pile units subject to Section 724.351(c) or (d) 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.
b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator shall must do the following:

1) Notify the Agency in writing of the exceedence within 7 seven days after the determination;

2) Submit a preliminary written assessment to the Agency within 14 days after 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, 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 shall must 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, the owner or operator shall must do 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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, and imperfections (e.g., holes, cracks, thin spots, 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, 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 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, 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

c) An owner or operator required to have a LDS under Section 724.351(c) shall must 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. 3725, effective February 14, 2003)

Section 724.356 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a waste pile, unless the waste and waste pile 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 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 which may cause it to ignite or react.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall 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).
Section 724.358  Closure and 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, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste, 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, and equipment, as required in paragraph subsection (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 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 paragraph subsection (a) of this Section and a contingent plan for complying with paragraph 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 paragraph subsection (b) of this Section in case not all contaminated subsoils can be practicably removed at closure.

2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of a pile subject to this paragraph subsection (b) 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 paragraph subsection (a) of this Section.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous Wastes F020, F021, F022, F023, F026, 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 paragraph subsection (a), 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, or monitoring techniques.

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, groundwater, surface water, or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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 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 must specify in the facility permit the hazardous constituents that must be degraded, transformed or immobilized under this Subpart M. Hazardous constituents are constituents identified in Appendix H to 35 Ill. Adm. Code 721, Appendix H 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 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, transformation, or immobilization of hazardous constituents. The maximum depth of the treatment zone must be as follows:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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 paragraph subsection (a) of this Section, it must obtain a treatment or disposal permit under 35 Ill. Adm. Code 703.230. The Agency must 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 paragraph subsection (c) of this Section.

c) Any field test or laboratory analysis conducted in order to make a demonstration under paragraph subsection (a) of this Section must meet the following requirements:

1) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including the following:

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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

D) The characteristics of the soil in the treatment zone (including depth); and

E) The operating practices to be used at the unit;

2) Be-It must 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) Be-It must be conducted in a manner that protects human health and the 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 ground-water or surface water.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.373 Design and Operating Requirements

The Agency will-must 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 will-must specify the following in the facility permit:

1) The rate and method of waste application to the treatment zone;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 which may be subject to wind dispersal, the owner or operator must manage the unit to control wind 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. 3725, effective February 14, 2003)
Section 724.376 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. The Agency must specify in the facility permit the specific food-chain crops 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) 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) 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 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and 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 paragraph subsection (a), 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 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:

<table>
<thead>
<tr>
<th>Time period</th>
<th>Annual cadmium application rate (kg/ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present to June 30, 1984</td>
<td>2.0</td>
</tr>
<tr>
<td>July 1, 1984 to December 31, 1986</td>
<td>1.25</td>
</tr>
<tr>
<td>Beginning January 1, 1987</td>
<td>0.5</td>
</tr>
</tbody>
</table>

   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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 which demonstrates how the 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 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 paragraph subsection (b)(2) of this Section.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 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). PCHs 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 \textbf{must} 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.

c) The owner or operator must establish a background value for each hazardous constituent to be monitored under paragraph subsection (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 paragraph subsection (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 paragraph subsection (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 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 paragraph subsection (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 paragraph subsection (a) of this Section below the treatment zone each time it conducts soil monitoring and soil-pore liquid monitoring under paragraph subsection (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 paragraph subsection (d) of this Section, to the background value for that constituent according to the statistical procedure specified in the facility permit under this paragraph subsection (f).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 paragraph subsection (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 paragraph subsection (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 paragraph subsection (h) in addition to, or in lieu of, submitting a
permit modification application under paragraph subsection (g)(2) of this Section, it is not relieved of the requirement to submit a permit modification application within the time specified in paragraph subsection (g)(2) of this Section, unless the demonstration made under this paragraph subsection (h) 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 under this paragraph subsection (h), 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 paragraph subsection (h);

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.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.379 Recordkeeping

The owner or operator must include hazardous waste application dates and rates in the operating record required under Section 724.173.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.380 Closure and 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 paragraph subsection (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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 paragraphs subsections (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 paragraph subsection (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 paragraph subsection (d), the owner or operator must do the following:

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 under paragraph subsection (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 paragraph subsection (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. 3725, effective February 14, 2003)
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 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 which may cause it to ignite or react.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

Section 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous Wastes F020, F021, F022, F023, F026, 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 paragraph subsection (a), 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, 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, 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. 3725, effective February 14, 2003)

SUBPART N: LANDFILLS

Section 724.400 Applicability

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. 3725, effective February 14, 2003)

Section 724.401 Design and Operating Requirements

a) Any landfill that is not covered by subsection (c) below of this Section 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) **Constructed** - It **must be 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** - It **must be 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** - It **must be 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** 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 **are** 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 under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) above of this Section 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 Subpart G 101 and 104. 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 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 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 commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commenced after July 29, 1992, and each replacement of an existing landfill unit that was to commence reuse after July 29, 1992, shall must install two or more liners and a leachate collection and removal system above and between such liners. “Construction commenced” 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 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) above of this Section.

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 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) below of this Section.

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) Constructed It is constructed with a bottom slope of one percent or more;
B) Constructed: It is constructed of granular drainage materials with a hydraulic conductivity of $1 \times 10^{-2} - 1 \times 10^{-2}$ 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 $3 \times 10^{-5} - 3 \times 10^{-5}$ m$^2$/sec or more;

C) Constructed: It is 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) Designed: It is designed and operated to minimize clogging during the active life and post-closure care period; and

E) Constructed: It is 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(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 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 shall demonstrate that the operation of the LDS will not be adversely affected by the presence of ground water.

Subsection (c) of this Section 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) 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) above of this Section; and

2) It will allow detection of leaks of hazardous constituents through the top liner at least as effectively.

e) The Agency shall not require a double liner as set forth in subsection (c) above of this Section 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 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 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) above of this Section if the following is true:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

  k) The Agency must 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. 3725, effective February 14, 2003)

Section 724.402 Action Leakage Rate

  a) The Agency must 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, overburden pressures, etc.).

b) To determine if the action leakage rate has been exceeded, the owner or operator 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. 3725, effective February 14, 2003)

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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. 3725, effective February 14, 2003)

Section 724.404 Response Actions

a) The owner or operator of landfill units subject to Section 724.401(c) or (d) must 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) below of this Section.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator shall must do the following:

1) Notify the Agency in writing of the exceedence within 7 seven 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, 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 shall must 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, the owner or operator shall must do 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

Section 724.410 Closure and Post-closure Care

a) At final closure of the landfill or upon closure of any cell, the owner or operator 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 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 shall do the following:

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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

2) Continue to operate the leachate collection and removal system until 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. 3725, effective February 14, 2003)

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—\textit{which that} remain subject to treatment standards in 35 Ill. Adm. Code. Subpart D to 35 Ill. Adm. Code 728, ignitable waste 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—\textit{which that} may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers—\textit{which that} 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 which may generate heat sufficient to cause ignition of the waste.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.413 Special Requirements for Incompatible Wastes

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. 3725, effective February 14, 2003)

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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

1) Nonbiodegradable sorbents are the following:

   A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller’s earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites, etc.), calcium carbonate (organic free limestone); oxides/hydroxides, (alumina, lime, silica (sand), diatomaceous earth, etc.), perlite (volcanic glass), expanded volcanic rock, volcanic ash, cement kiln dust, fly ash, rice hull ash, activated charcoal (activated carbon), etc.; or

   B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polyvinyl alcohol, polyisobutylene, ground synthetic rubber, cross-linked allyl strene and tertiary butyl copolymers, etc.). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or
NOTICE OF ADOPTED AMENDMENT

2) Tests for nonbiodegradable sorbents are the following:


C) The sorbent material is determined to be non-biodegradable under OECD test 301B (CO₂ 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 unlined surface impoundment, whether or not permitted or operating under interim status, that contains or which may reasonably be anticipated to contain hazardous waste; and

2) Placement in the hazardous waste landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.415 Special Requirements for Containers

Unless they are very small, such as an ampule, containers must be either of the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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. The 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 sorbent material.

c) In accordance with Section 724.117(b), the sorbent 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 Section 724.117(b).

d) Incompatible waste, 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 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. 3725, effective February 14, 2003)

Section 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in a landfill 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 paragraph subsection (a), 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 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 requirements.
b) The Agency may determine that additional design, operating, and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ground-water, groundwater, surface water, or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

SUBPART O: INCINERATORS

Section 724.440 Applicability

a) The regulations in this Subpart O 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(d), 63.1210(b), 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 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
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 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 based on the federal standards. Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of 40 CFR 63, subpart EEE. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (September 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 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) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

applicant from all requirements of this Subpart O, 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) **Listed**-It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;

B) **Listed**-It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone;

C) **A**-It is 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) **A**-It is 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 O, except Section 724.441 (Waste 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. 3725, effective February 14, 2003)

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 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. 3725, effective February 14, 2003)

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 paragraph subsection (a)(2) of this Section, an incinerator burning hazardous waste must achieve a destruction and 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:

\[
DRE = 100 \frac{(N - O)}{N}
\]

Where:

\[
\begin{align*}
N &= \text{Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and} \\
O &= \text{Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.}
\end{align*}
\]

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 paragraph subsection (a)(1) of this Section. In addition, the owner or operator of the incinerator shall must 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 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:

\[ C = \frac{14M}{21-Y} \]

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 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. 3725, effective February 14, 2003)

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 paragraph subsection (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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

ensure compliance with the performance standards of Section 724.443 based on the Agency’s engineering judgment.

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. 3725, effective February 14, 2003)

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 waste feed 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 paragraph subsection (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. 3725, effective February 14, 2003)

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.

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. 3725, effective February 14, 2003)

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: 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. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

c) The Agency must designate a CAMU in accordance with the following factors:

1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

3) The CAMU must include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;

4) Areas within the CAMU where wastes remain in place after its closure must be managed and contained so as to minimize future releases to the extent practicable;

5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;

6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

C) In establishing specific closure requirements for a CAMU 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. 3725, effective February 14, 2003)

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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

C) The placement of any liquid which that is not a hazardous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to Section 724.414(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).
NOTICE OF ADOPTED AMENDMENT

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,
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 $1 \times 10^{-7}$ 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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, 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 to

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 § 268.45, or by methods or to levels established under subsections (e)(4)(D)(i) through (e)(4)(D)(iv) or subsection
NOTICE OF ADOPTED AMENDMENT

(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 (SW-846, 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 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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
NOTICE OF ADOPTED AMENDMENT

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 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:
NOTICE OF ADOPTED AMENDMENT

i) CAMU characteristics;

ii) Volume of wastes 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 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:


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).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 operates in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i) is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k); in lieu of the performance standards and requirements for a CAMU in subsections (c) and (e)(3) through (e)(6) 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):
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) The owner or operator must operate in accordance with a time limit, established by the Agency, that is no longer than necessary to achieve a timely remedy selected for the waste and

B) The CAMU is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c), (e)(4), and (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.

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 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. 3725, effective February 14, 2003)
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 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 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 shall specify in the permit the length of time a temporary unit will be allowed to operate, which shall be no longer than one year. The Agency 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 that the following:

1) Continued operation of the unit will not pose a threat to human health and the environment; and

2) 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 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/operator as a Class 2 modification according to the procedures under 35 Ill. Adm. Code 703.283.

g) The Agency shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and 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. 3725, effective February 14, 2003)
Section 724.654 Staging Piles

a) Definition of a staging pile. A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.

1) For the purposes of this Section, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.

2) This subsection (a)(2) corresponds with 40 CFR 264.554(a)(2), which USEPA has marked as “reserved.” This statement maintains structural consistency with the federal regulations.

b) Use of a staging pile. An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency must establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k) 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 runon controls, as appropriate); and

C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension under subsection (i) of this Section. An owner or operator must measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator must maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.

2) In setting the standards and design criteria, the Agency must consider the following factors:

A) The length of time the pile will be in operation;

B) The volumes of wastes the owner or operator intends to store in the pile;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.

f) Managing incompatible remediation wastes in a staging pile. The term “incompatible waste” is defined in 35 Ill. Adm. Code 720.110. An owner or operator must comply with the following requirements for incompatible wastes in staging piles:

1) The owner or operator must not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);

2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal
units (for example, surface impoundments), an owner or operator must separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and

3) **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 not subject to land disposal restrictions and federal minimum technological requirements. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of section 3004(o) of RCRA, 42 USC 6924(o).

**h)** How long an owner or operator may operate a staging pile. The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator must use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the “operating term”), except as provided in subsection (i) 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 (l) 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.
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT

j) The closure requirement for a staging pile located in a previously contaminated area.

1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:

   A) Remediation waste;
   
   B) Contaminated containment system components; and
   
   C) Structures and equipment contaminated with waste and leachate.

2) An owner or operator must also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will 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 requirement 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

Section 724.655 Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills

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 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 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-
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.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

SUBPART W: DRIP PADS

Section 724.670 Applicability

a) The requirements of this Subpart W apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, or surface water run-on to an associated collection system.

1) “Existing drip pads” are the following:

   A) Those constructed before December 6, 1990; and
   
   B) Those for which the owner or operator has had a design and has had entered into binding financial or other agreements for construction prior to December 6, 1990.

2) All other drip pads are “new drip pads.”

3) The requirements at Section 724.673(b)(3) to install a leak collection system applies only to those drip pads that are were constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator has had a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.
b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.672(e) or (f).

c) The requirements of this subsection (c) are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

1) Clean up the drippage;

2) Document the clean-up of the drippage;

3) Retain documentation regarding the clean-up for three years; and

4) Manage the contaminated media in a manner consistent with State and Federal regulations.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.671 Assessment of existing drip pad integrity

a) For each existing drip pad, the owner or operator must evaluate the drip pad and determine 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 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 develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of Section 724.673(b) and
submit the plan to the Agency no later than two years before the date that all repairs, upgrades and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 724.673. The plan must be reviewed and certified by 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 be 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 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 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 that the following:

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.

c) Upon completion of all upgrades, repairs, and modifications, the owner or operator 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

d) If the drip pad is found to be leaking or unfit for use, the owner or operator 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. 3725, effective February 14, 2003)

Section 724.672 Design and installation of new drip pads

Owners and operators of new drip pads must 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 Section 724.673(a)(4)), 724.674, and 724.675; or

b) All of the requirements of Sections 724.673 (except Section 724.673(b)), 724.674, and 724.675.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.673 Design and operating requirements

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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) 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:

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 be fulfill the following:

A) Constructed It must be 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 pad);

B) Placed It must be 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 It must be 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 be fulfill the following:

A) Constructed It must be 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) Designed It must be designed and operated to function without clogging through the scheduled closure of the drip pad; and

C) Designed It must be 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 of 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 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 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 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 shall obtain a statement from an independent, qualified, registered professional engineer certifying that the drip pad design meets the requirements of this Section.

h) Drippage 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 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 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 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 shall do the following:

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 shall do the following: review the information submitted; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete; 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 shall do the following: notify the Agency in writing and provide a certification, signed by an independent, qualified, 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 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, and a description of treated wood storage and handling practices.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

Section 724.675 Closure

a) At closure, the owner or operator 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 shall must 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 throughout 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 shall must meet all of 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) shall must do the following:

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. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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. 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters 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. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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 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. 3725, effective February 14, 2003)

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) Units In units that are subject to the permitting requirements of 35 Ill. Adm. Code 703;

2) A-In 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) 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 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 Subpart AA, 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, 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 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. 3725, effective February 14, 2003)
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 reporting and recordkeeping, “connector” means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

“Continuous recorder” means a data-recording device recording an instantaneous data value at least once every 15 minutes.

“Control device” means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

“Control device shutdown” means the cessation of operation of a control device for any purpose.
“Distillate receiver” means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

“Distillation operation” means an operation, either batch or continuous, separating one or more feed streams into two or more exit streams, each exit stream having component concentrations different from those in the feed streams. The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

“Double block and bleed system” means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

“Equipment” means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, 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 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.

“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.

“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 contact 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 into the charge.

“Surge control tank” means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

“Thin-film evaporation operation” means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

“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. 3725, effective February 14, 2003)

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 shall must do 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 procedures in Section 724.934(c) must be used to resolve the disagreement.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
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 shall must comply with the provisions of this Section.

2) Implementation Schedule.

A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart AA on the effective date that the facility becomes subject to the provisions of this Subpart AA shall must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart AA for installation and startup.

B) Any unit that began operation after December 21, 1990, and which was subject to the provisions of this Subpart AA when operation begins began must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart AA shall must comply with all requirements of this Subpart AA as soon as practicable, but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart AA can not be installed and begin operation by the effective date of the amendment, the facility owner or operator shall must 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 AA. The owner or operator must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart AA after December 8, 1997 due to an action other than those described in subsection (a)(2)(C) of this Section must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart AA; the 30-month implementation schedule does not apply).

b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 \text{ degrees Celsius} (760 \text{ °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 5\text{-five} minutes during any 2\text{-two} consecutive hours.
2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) of this Section.

3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.

4) Exit Velocity.
   
   A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.

   B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (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:

\[ H_T = K \times \sum_{i=1}^{n} C_i \times H_i \]

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.

- \( K = 1.74 \times 10^7 \) (1/ppm)(g mol/scm)(MJ/kcal) where the standard temperature for (g mol/scm) is 20°C.

- \( \Sigma(X_i) \) means the sum of the values of \( X \) for each component \( i \), from \( i=1 \) to \( n \).

- \( C_i \) 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 III. Adm. Code 720.111.

- \( H_i \) is the net heat of combustion of sample component \( i \), kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382, incorporated by reference in 35 III. 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,
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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, $V_{\text{max}}$, 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

$H_T$ is the net heating value as determined in subsection (e)(2) of this Section.

5) The maximum allowed velocity in m/s, $V_{\text{max}}$, for an air-assisted flare must be determined by the following equation:

$$V_{\text{max}} = 8.706 + 0.7084H_T$$

Where:

$H_T$ is the net heating value as determined in subsection (e)(2) of this Section.

f) The owner or operator must 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 specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ±1 percent of the temperature being monitored in °C or ±0.5° C, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5° C, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5° C, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.

F) For a condenser, either of the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5° C, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either of the following:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) of this Section at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).
h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device 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.

1) The owner or operator shall must monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (k)(1) of this Section shall must be inspected and monitored in accordance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system shall must be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall must monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (l)(1)(A) of this Section, the owner or operator shall must inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall must monitor a component or connection using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (l)(1)(B)(i) of this Section
must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (o) of this Section, using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator shall must repair the defect or leak in accordance with the requirements of subsection (l)(3) of this Section.

D) The owner or operator shall must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

2) Each closed-vent system that is used to comply with subsection (k)(2) of this Section must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The owner or operator shall must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall must perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator shall must repair the defect in accordance with the requirements of subsection (l)(3) of this Section.

D) The owner or operator shall must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

3) The owner or operator shall must repair all detected defects as follows:
ILLINOIS REGISTER

NOTICE OF ADOPTED AMENDMENT

A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (l)(3)(C) of this Section.

B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

D) The owner or operator must maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.

m) A closed-vent system or control device used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to it.

n) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X of this Part; or

B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

CC of this Part or Subparts AA and CC 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 pollutants 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 the 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 has done either of the following:

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726, 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

Section 724.934 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart 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:


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).

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 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighed basis.

D) Total organic mass flow rates must be determined by the following equation:

\[
E_h = Q_{2sd} \left( \sum_{i=1}^{n} C_i \times MW_i \right) \times 0.0416 \times 10^{-6}
\]

Where:

\[
E_h = \text{The total organic mass flow rate, kg/h.}
\]

\[
Q_{2sd} = \text{The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by}
\]
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT


\[ n = \text{The number of organic compounds in the vent gas.} \]

\[ C_i = \text{The organic concentration in ppm, dry basis, of compound } i \text{ in the vent gas, as determined by Method 18 in 40 CFR 60.} \]

\[ MW_i = \text{The molecular weight of organic compound } i \text{ in the vent gas, kg/kg-mol.} \]

\[ 0.0416 = \text{The conversion factor for molar volume, kg-mol/m}^3, \text{ at 293 K and 760 mm Hg.} \]

\[ 10^{-6} = \text{The conversion factor from ppm.} \]

E) The annual total organic emission rate must be determined by the following equation:

\[ A = F \times H \]

Where:

\[ A \text{ is total organic emission rate, kg/y.} \]

\[ F \text{ is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.} \]

\[ H \text{ is the total annual hours of operation for the affected unit.} \]

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 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 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.

   C) Safe access to sampling platforms.

   D) Utilities for sampling and testing equipment.

4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator’s control, compliance may, upon the Agency’s approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the owner or operator 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 following procedures:

      A) The owner or operator 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 mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include the following:

A) Production process information documenting that no organic compounds are used;

B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has
previously been demonstrated by direct measurement to generate a wastestream having a total organic content less than 10 ppmw; or

C) Prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation that manages hazardous wastes that have time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

1) By the effective date that the facility becomes subject to the provisions of this Subpart AA or by the date when the waste is first managed in a waste management unit, whichever is later; and either of the following:

2) For continuously generated waste, annually; or

3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, 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. 3725, effective February 14, 2003)

Section 724.935 Recordkeeping Requirements

a) Compliance Required.

1) Each owner or operator subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart AA may comply with the
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must record the following information in the facility operating record:

1) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart AA.

2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including the following:

A) Information and data identifying all affected process vents, annual throughput, and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from
affected process vents at the facility, then a new determination is required.

3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include the following:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

B) A detailed engineering description of the closed-vent system and control device including the following:

i) Manufacturer’s name and model number of control device;

ii) Type of control device;

iii) Dimensions of the control device;

iv) Capacity; and

v) Construction materials.

C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

4) Documentation of compliance with Section 724.933 must include the following information:

A) A list of all information references and sources used in preparing the documentation.
B) Records, including the dates of each compliance test required by Section 724.933(k).

C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415 (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.

iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow
rate. The design analysis must also consider the requirements specified in Section 724.933(d).

v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.
D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95% 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760° C, any period when the combustion temperature is below 760° C.

B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28° C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i) of this Section.

C) For a catalytic vapor incinerator, any period when:
   i) Temperature of the vent stream at the catalyst bed inlet is more than 28° C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii) of this Section; or
   ii) Temperature difference across the catalyst bed is less than 80% of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii) of this Section.

D) For a boiler or process heater, any period when either of the following occurs:
   i) Flame zone temperature is more than 28° C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii) of this Section; or
   ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii) of this Section.

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the
condenser are more than 20% 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% greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi) of this Section.

I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi) of this Section.

5) Explanation for each period recorded under subsection (c)(4) of this Section of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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) 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.
720.111, after it is successfully repaired or determined to be nonrepairable.

E) “Repair delayed” and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

   i) The 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 3-three years following the date of each occurrence, measurement, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency shall must specify the appropriate recordkeeping requirements.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
Section 724.936 Reporting Requirements

a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart AA to the Agency by dates specified in the RCRA permit. The report must include the following information:

1) The USEPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.

2) For each month during the semiannual reporting period the following:

   a) Dates when the control device did the following:

      i) Exceeded or operated outside of the design specifications, as defined in Section 724.935(c)(4); and

      ii) Such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions, as defined by Method 22 monitoring;

   B) The duration and cause of each exceedance or visible emissions;

   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. 3725, effective February 14, 2003)

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 shall 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 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. Adm. Code 725.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).
NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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. 3725, effective February 14, 2003)

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 Section 724.959.
NOTICE OF ADOPTED AMENDMENT

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5-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 shall must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 5 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 above background, is exempt from the requirements of subsections (a), (c), and (d) of this Section, if the pump meets the following requirements:

1) Must have no externally actuated shaft penetrating the pump housing.

2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background, as measured by the methods specified in Section 724.963(c).

3) 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. 3725, effective February 14, 2003)
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 subsections (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 located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.
   2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 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. 3725, effective February 14, 2003)

Section 724.954 Standards: Pressure Relief Devices in Gas-Vapor Service

a) Except during pressure releases, each pressure relief device in gas-vapor service must be operated with no detectable emissions, as indicated by an instrument
b) Actions following pressure release.

1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5-five calendar days after each pressure release, except as provided in Section 724.959.

2) No later than 5-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. 3725, effective February 14, 2003)

Section 724.955 Standards: Sampling Connecting Systems

a) Each sampling connection system must be equipped with a closed-purge, closed-loop, or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

b) Each closed-purge, closed-loop, or closed-vent system, as required in subsection (a) of this Section, must meet one of the following requirements:

1) **Return** It must return the purged process fluid directly to the process line;

2) **Collect** It must collect and recycle the purged process fluid; or
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

3) **Be-It must 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 Sections 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. 3725, effective February 14, 2003)

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.

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. 3725, effective February 14, 2003)

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 5 five calendar days after each leak is detected.

e) First attempts at repair include, but are not limited to the following best practices where practicable:
   1) Tightening of bonnet bolts.
   2) Replacement of bonnet bolts.
   3) Tightening of packing gland nuts.
   4) Injection of lubricant into lubricated packing.

f) Any valve that is designated, as described in Section 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 Section if the following is true of the valve:
   1) Has It has no external actuating mechanism in contact with the hazardous wastestream.
   2) Is It is operated with emissions less than 500 ppm above background as determined by the method specified in Section 724.963(c).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

3) It 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. 3725, effective February 14, 2003)

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.

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. 3725, effective February 14, 2003)

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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 6-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 shutdown is not allowed unless the next hazardous waste management unit shutdown occurs sooner than 6-six months after the first hazardous waste management unit shutdown.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.960 Standards: Closed-vent Systems and Control Devices

a) An owner or operator of a closed-vent system or control device subject to this Subpart 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 on the effective date that the facility becomes subject to the provisions of this Subpart 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 shall must 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 can not be installed and begin operation by the effective date of the amendment, the facility owner or operator shall must 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 shall must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

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 shall 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 BB; the 30-month implementation schedule does not apply).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
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 which allows no greater than 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 2 percent of valves to leak:
   1) An owner or operator must 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 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 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. 3725, effective February 14, 2003)
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 shall must notify the Agency before implementing one of the alternative work practices.

b)  Reduced Monitoring

1)  An owner or operator shall must 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 shall must 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. 3725, effective February 14, 2003)
Section 724.963 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart must 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:


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).

   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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall 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:


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 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. 3725, effective February 14, 2003)

Section 724.964 Recordkeeping Requirements

a) Lumping Units

1) Each owner or operator subject to the provisions of this Subpart 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 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 shall record the following information in the facility operating record:

1) For each piece of equipment to which this Subpart applies, the following:

A) Equipment identification number and hazardous waste management unit identification.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).

C) Type of equipment (e.g., a pump or pipeline valve).

D) Percent-by-weight total organics in the hazardous wastestream at the equipment.

E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).

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, as specified in that Section.

3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan, as specified in Section 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, 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 2\textsuperscript{two} successive months as specified in Section 724.957(c) and no leak has been detected during those 2\textsuperscript{two} months.

d) When each leak is detected as specified in Section 724.952, 724.953, 724.957, 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 ppm”, 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.

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.

6) Identification, either by list or location (area or group), of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per year.

h) The following information pertaining to all valves subject to the requirements of Section 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 it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 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 3 three 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. 3725, effective February 14, 2003)
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 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. 3725, effective February 14, 2003)
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 m³ (3.5 ft³ 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.
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 the 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 CC 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 are 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 (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. 3725, effective February 14, 2003)

Section 724.981 Definitions

As used in this Subpart CC, all terms shall will 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. 3725, effective February 14, 2003)

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 shall must control air pollutant emissions from each waste management unit in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) of this Section.

c) A tank, surface impoundment, or container is exempt from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one of the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall be determined by the procedures specified in Section 724.983(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

   A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (Ct) 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 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 shall 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the...
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

requirements of Subpart H of 35 Ill. Adm. Code 726; or

ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

H) A boiler or industrial furnace for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or

ii) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator 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$^3$) at 25° C.

3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:

   A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in Table T to 35 Ill. Adm. Code 728. Table T; 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 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 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 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 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section must be used to establish compliance with the requirements of this Subpart CC.

5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart CC by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period, as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 724.983(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw must constitute noncompliance with this Subpart CC, except in a case as provided for in subsection (d)(5)(C) of this Section.

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 must be considered by the Agency together
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 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 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 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.

B) An owner or operator 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 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 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 must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 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 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. Code 725.984(c)(2) through (c)(4).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

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 control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator must control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank’s design capacity category, as follows:

i) For a tank design capacity equal to or greater than 151 m³ (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 m³ (19,800 gal) but less than 151 m³ (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 m³ (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 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 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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:

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 shall 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

completion of the activity, the owner or operator 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.

4) The owner or operator 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 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 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 shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator 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.
The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof 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:

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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 **shall** must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents 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 **shall** must inspect the internal floating roof in accordance with the procedures specified as follows:

A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, 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
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 **shall must** inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:

i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and

ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.

C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator **shall must** notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator **shall must** notify the Agency of the date and location of the inspection, as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 shall repair the defect in accordance with the requirements of subsection (k) of this Section.

F) The owner or operator 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

i) The primary seal must be a liquid-mounted seal or a 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 (cm²) per meter (10.0 square inches (in²) 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 cm² per meter (1.00 in² 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 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 must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer’s recommended setting.

F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.

H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

3) The owner or operator shall must inspect the external floating roof in accordance with the procedures specified as follows:

A) The owner or operator shall must measure the external floating roof seal gaps in accordance with the following requirements:

   i) The owner or operator shall must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

   ii) The owner or operator shall must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.

   iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the
purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.

iv) The owner or operator  shall **must** 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  shall **must** repair the defect in accordance with the requirements of subsection (k) of this Section.

vi) The owner or operator  shall **must** maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

B) The owner or operator  shall **must** visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following 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  shall **must** perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator  shall **must** perform the inspections at least once every year.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

except for the special conditions provided for in subsection (l) of this Section.

iii) In the event that a defect is detected, the owner or operator shall must repair the defect in accordance with the requirements of subsection (k) of this Section.

iv) The owner or operator shall must 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 shall must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall must notify the Agency of the date and location of the inspection, as follows:

i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification shall 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 shall 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 shall must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and
immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:

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.

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 shall must meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure device 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 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 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 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 shall repair the defect in accordance with the requirements of subsection (k) of this Section.

E) The owner or operator 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in 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 shall must meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in “Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure” under 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 shall must perform the verification procedure for the enclosure, as specified in Section 5.0 to “Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure,” initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) The owner or operator shall must inspect and monitor the closed-vent system and control device as specified in Section 724.987.

j) The owner or operator shall must transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 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 shall must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:

1) The owner or operator shall must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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.

1) 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.

   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. 3725, effective February 14, 2003)
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 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 intended service life of the material.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must promptly replace the cover and 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 shall must 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 shall must 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 shall must 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 shall must repair the defect in accordance with the requirements of subsection (f) of this Section.
D) The owner or operator shall 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 must 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 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 which 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,
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall promptly secure the closure
device in the closed position or reinstall the cover, as
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 shall inspect and monitor the air emission
control equipment in accordance with the following procedures:

A) The surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects
that could result in air pollutant emissions. Defects include, but
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 shall repair the defect in accordance with the requirements of subsection (f) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

e) The owner or operator 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must 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 shall must make first efforts at repair of the defect no later than five calendar days after detection and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (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 shall must 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 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. 3725, effective February 14, 2003)

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 shall must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

A) For a container having a design capacity greater than 0.1 m$^3$ (26 gal) and less than or equal to 0.46 m$^3$ (120 gal), the owner or operator shall must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m$^3$ (120 gal) that is not in light material service, the owner or operator shall must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

C) For a container having a design capacity greater than 0.46 m³ (120 gal) that is in light material service, the owner or operator shall 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 m³ (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a “portable tank” or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.
2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device
must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall must repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall must make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator shall must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ (120 gal) or greater which do not meet applicable DOT-USDOT regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 shall must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall must promptly secure the closure devices in the closed
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls must inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the
container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator 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 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 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 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 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 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 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall must inspect and monitor the closed-vent systems and control devices as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall must prepare and maintain the records specified in Section 724.989(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation as follows:


POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

4) For a lab pack that is managed in accordance with the 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.


2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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. 3725, effective February 14, 2003)

Section 724.987 Standards: Closed-vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart CC.

b) The closed-vent system shall meet the following requirements:

1) The closed-vent system shall 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 shall 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 bypass 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall 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 must meet the following requirements:

1) The control device must be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

B) An enclosed combustion device designed and operated in accordance with the requirements of Section 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

subsections (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 subsections (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 shall 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 shall 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 shall 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 shall operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall operate and maintain the control device in accordance with the requirements of Section 724.933(j).

5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section, as follows:

A) An owner or operator 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 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 subsection (c)(5)(A) of this Section, the owner or operator shall 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 shall meet the requirements specified in Section 724.935(b)(4)(C).

E) The owner or operator shall 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 shall 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. 3725, effective February 14, 2003)

Section 724.988 Inspection and Monitoring Requirements

a) The owner or operator shall must 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 shall must 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 shall must incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 724.115.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.989 Recordkeeping Requirements

a) Each owner or operator of a facility subject to the requirements of this Subpart CC shall must 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 724.984(d)-724.980(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 shall must prepare and maintain records for the tank that include the following information:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) For each tank using air emission controls in accordance with the requirements of Section 724.984, the owner or operator 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 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 shall record the following information, as applicable to the tank:

A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) shall 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) shall prepare and maintain documentation describing the floating roof design.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) shall 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) shall 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 accordance with the requirements of Section 724.985 shall prepare and maintain records for the surface impoundment that include the following information:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 must 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 must 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 must 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall prepare and maintain records that include the following information:

1) Documentation for the closed-vent system and control device that includes:

A) Certification that is signed and dated by the 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 shall 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for 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) shall 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 must 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 must 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 shall 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) shall 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.

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 CC, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart 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 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: 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 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. 3725, effective February 14, 2003)

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 report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance 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 must submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report must 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 must 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) must 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 must submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report must 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 must 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 must submit a semiannual written report to the Agency, except as provided for in subsection (d) of this Section. The report must describe each occurrence during the previous six-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 must 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\textit{shall} \textbf{must} 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 period during which all control devices subject to this Subpart CC are operated by the owner or operator 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. 3725, effective February 14, 2003)

SUBPART DD: CONTAINMENT BUILDINGS

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 \textit{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 \textit{fulfills the following}:

a) \textit{Is} it 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) **Has-It 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; and

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);

d) **Has-It has** controls sufficient to permit fugitive dust emissions to meet the no visible emission standard in Section 724.1101(c)(1)(A); and

e) **Is-It 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. 3725, effective February 14, 2003)

Section 724.1101 Design and operating standards

a) All containment buildings must comply with the following design and operating standards:

1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g. precipitation, wind, run on) and to assure containment of managed wastes.

2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b) of this Section, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and
heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building 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 criteria:

A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(C) below of this Section; and

B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.

3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.

4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include the following:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).

2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:
   A) The primary barrier must be sloped to drain liquids to the associated collection system; and
   B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.

3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.
   A) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum, as follows:
      i) Constructed-It is constructed with a bottom slope of 1 percent or more; and
      ii) Constructed-It is constructed of a granular drainage material with a hydraulic conductivity of $1 \times 10^{-2}$ cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of $3 \times 10^{-5}$ m²/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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 724.193(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 written notice to USEPA of their request by November 16, 1992. This notification must describe the unit and its operating practices with specific reference to the performance of existing systems, and specific plans for retrofitting the unit with secondary containment;

B) Responded to any comments from USEPA on these plans within 30 days; and

C) Fulfilled the terms of the revised plans, if such plans are approved by USEPA.

c) 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:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

B) 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 rinseate 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 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.


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 days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

B) The Agency shall must review the information submitted, make a determination in accordance with Section 34 of the Act, regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the
repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv) above of this Section.

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 shall must 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. 3725, effective February 14, 2003)

Section 724.1102 Closure and Post-closure Post-Closure Care

a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(e) applies. The closure plan, closure activities, cost
estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Subparts G and H of 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) above of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (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. 3725, effective February 14, 2003)

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 shall must 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, groundwater, 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;
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

4) For liquid wastes, the owner or operator provides a secondary containment system that assures that any released liquids are contained and promptly 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 shall must 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.
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 shall must store hazardous waste munitions and explosives in accordance with a standard operating procedure that specifies procedures which that 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 this Part, then the standard operating procedure may be used to fulfill those requirements.

d) An owner or operator shall must package hazardous waste munitions and explosives to ensure safety in handling and storage.

e) An owner or operator shall must inventory hazardous waste munitions and explosives at least annually.

f) An owner or operator shall must 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. 3725, effective February 14, 2003)

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 shall must 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 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. 3725, effective February 14, 2003)

Section 724.Appendix A Recordkeeping Instructions


(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

**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.

Code 720.111. Analytical details can be found in “Test Methods,” and in documentation on 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 a 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.

h) PCDDs. This category includes congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzop-dioxins and hexachlorodibenzop-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.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>CAS RN</th>
<th>Chemical Abstracts Service Index Name</th>
<th>Suggested Methods</th>
<th>PQL (µg/L)</th>
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<td>Substance</td>
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<td>Description</td>
<td>Setting Limit (mg/L)</td>
<td>Reduction Limit (mg/L)</td>
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<td>2-Propanone</td>
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<td>100.</td>
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<tr>
<td>Acetonitrile; Methyl cyanide</td>
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<td>Acetonitrile</td>
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<td>Aldrin</td>
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<td>[1,1'-Biphenyl]-4-amine</td>
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<td>Aramite</td>
<td>140-57-8</td>
<td>Sulfurous acid, 2-chloroethyl 2-[4-(1,1-dimethyl-ethyl)phenoxyl]-1-methyl-ethyl ester</td>
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## NOTICE OF ADOPTED AMENDMENT

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<th>Formula</th>
<th>LCB</th>
<th>RB</th>
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<td>(\alpha)-BHC</td>
<td>319-84-6</td>
<td>Cyclohexane, 1,2,3,4,5,6-hexachloro-, ((1\alpha,2\alpha,3\beta,4\alpha,5\beta,6\beta))-</td>
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<td>(\beta)-BHC</td>
<td>319-85-7</td>
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<td>(\delta)-BHC</td>
<td>319-86-8</td>
<td>Cyclohexane, 1,2,3,4,5,6-hexachloro-, ((1\alpha,2\alpha,3\beta,4\alpha,5\alpha,6\beta))-</td>
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<td>(\chi)-BHC, (\gamma)-BHC, Lindane</td>
<td>58-89-9</td>
<td>Cyclohexane, 1,2,3,4,5,6-hexachloro-, ((1\alpha,2\alpha,3\beta,4\alpha,5\alpha,6\beta))-</td>
<td>8080</td>
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<td>Bis(2-chloroethoxy)methane</td>
<td>111-91-1</td>
<td>Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-]</td>
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<td>Bis(2-chloroethyl)ether</td>
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<td>Ethane, 1,1'-oxybis[2-chloro-]</td>
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<td>Bis(2-chloro-1-methylethyl) ether; 2,2'-Dichlorodiisopropyl ether</td>
<td>108-60-1</td>
<td>Propane, 2,2'-oxybis[1-chloro-]</td>
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<td>8270</td>
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<td>Bis(2-ethylhexyl) phthalate</td>
<td>117-81-7</td>
<td>1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester</td>
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<td>Bromodichloromethane</td>
<td>75-27-4</td>
<td>Methane, bromodichloro-</td>
<td>8010</td>
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<tr>
<td>Bromoform; Tribromomethane</td>
<td>75-25-2</td>
<td>Methane, tribromo-</td>
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<td>4-Bromophenyl phenyl ether</td>
<td>101-55-3</td>
<td>Benzene, 1-bromo-4-phenoxo-</td>
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### POLLUTION CONTROL BOARD

**NOTICE OF ADOPTED AMENDMENT**

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<tr>
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<th>Molecular Description</th>
<th>Standard Number</th>
<th>Standard Value</th>
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<tr>
<td>Butyl benzyl phthalate; Benzyl butyl phthalate</td>
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<td>1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester</td>
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<td>Carbon disulfide</td>
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<td>Carbon disulfide</td>
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<tr>
<td>Carbon tetrachloride</td>
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<td>Methane, tetrachloro-</td>
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<td>Chlordane</td>
<td>57-74-9</td>
<td>4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octa-chloro-2,3,3a,4,7,7a-hexahydro-</td>
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<td>p-Chloroaniline</td>
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<td>Benzeneamine, 4-chloro-</td>
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<td>Chlorobenzilate</td>
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<td>Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethylf ester</td>
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<td>p-Chloro-m-cresol</td>
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<td>Phenol, 4-chloro-3-methyl-</td>
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<td>Chloroethane; Ethyl chloride</td>
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### POLLUTION CONTROL BOARD

#### NOTICE OF ADOPTED AMENDMENT

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<th>Unit 2</th>
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<td>2-Chlorophenol</td>
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<td>4-Chlorophenyl phenyl ether</td>
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<td>Benzene, 1-chloro-4-phenoxy-</td>
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<td>Cyanide</td>
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<td>2,4-D; 2,4-Dichlorophenoxyacetic acid</td>
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<td>Acetic acid, (2,4-dichlorophenoxy)-</td>
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**POLLUTION CONTROL BOARD**

**NOTICE OF ADOPTED AMENDMENT**

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<th>Molecular Formula</th>
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### POLLUTION CONTROL BOARD

**NOTICE OF ADOPTED AMENDMENT**

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<td>Heptachlor epoxide</td>
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## NOTICE OF ADOPTED AMENDMENT

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### POLLUTION CONTROL BOARD

#### NOTICE OF ADOPTED AMENDMENT

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<tr>
<th>Substance</th>
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<th>Description</th>
<th>SLV</th>
<th>MCL</th>
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### NOTICE OF ADOPTED AMENDMENT

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<th>Limit (mg/L)</th>
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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</tr>
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</table>

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities


3) Section numbers: Adopted action:
   725.440 Amend

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

5) Effective date of amendments: February 14, 2003

6) Does this rulemaking contain an automatic repeal date? No.


8) Statement of availability:

   The adopted amendments, a copy of the Board’s opinion and order adopted January 9, 2003, and all materials incorporated by reference are on file at the Board’s principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register:

   November 1, 2002, 26 Ill. Reg. 16112

10) Has JCAR issued a Statement of Objections to these rules?

   No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
11) **Differences between proposal and final version:**

A table that appears in the Board’s opinion and order of January 9, 2003 in docket R03-7 summarizes the differences between the amendments proposed by the Board in an opinion and order dated January 9, 2003, in consolidated docket R03-4, and those adopted by an order dated September 5, 2002. Many of the differences are explained in greater detail in the Board’s opinion and order of January 9, 2003 adopting the amendments. None of the differences have a substantive effect.

12) **Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?**

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

Since the Notices of Proposed Amendments appeared in the November 1, 2002 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of January 9, 2003 in docket R03-7, as indicated in item 11 above. See the January 9, 2003 opinion and order in docket R03-7 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) **Will these amendments replace emergency amendments currently in effect?** No.

14) **Are there any other amendments pending on this Part?** No.

15) **Summary and purpose of amendments:**

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.
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).

16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R03-7 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board’s opinion and order of January 9, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board’s opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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 ADOPTED 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
725.215 Certification of Closure
725.216 Survey Plat
725.217 Post-closure Care and Use of Property
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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
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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 Kilograms 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
725.360 Monitoring and Inspection

SUBPART M: LAND TREATMENT

Section
725.370 Applicability
725.372 General Operating Requirements
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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
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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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
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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Subpart EE: Hazardous Waste Munitions and Explosives Storage

725.1200 Applicability
725.1201 Design and operating standards
725.1202 Closure and post-closure care

725.Appendix A Recordkeeping Instructions
725.Appendix B EPA Report Form and Instructions (Repealed)
725.Appendix C EPA Interim Primary Drinking Water Standards
725.Appendix D Tests for Significance
725.Appendix E Examples of Potentially Incompatible Waste
725.Appendix F Compounds With Henry’s Law Constant Less Than 0.1 Y/X (at 25°C)

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

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENT

SUBPART O: INCINERATORS
Section 725.440 Applicability
   a) The regulations in this Subpart O apply to owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise.
   b) Integration of the MACT standards.
      1) Except as provided by subsections (b)(2) and (b)(3) of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 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), 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.

BOARD NOTE:: Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of 40 CFR 63, subpart EEE. 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) Owners and operators: An owner or operator of an incinerator burning hazardous waste are is exempt from all of the requirements of this Subpart O, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721. Appendix H and such documentation is retained at the facility, if the waste to be burned is one of the following:

1) Listed - It is 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) Listed - It 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;

3) A - It is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721. Subpart C; or

4) A - It is a hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123 (a)(1), (a)(2), (a)(3), (a)(6), (a)(7) or (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone.

(Source: Amended at 27 Ill. Reg. 4187, effective February 14, 2003)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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) **Section numbers:**
   - 726.200

   **Adopted action:**
   - Amend

4) **Statutory authority:** 415 ILCS 5/7.2, 22.4, and 27.

5) **Effective date of amendments:** February 14, 2003

6) **Does this rulemaking contain an automatic repeal date?** No.

7) **Do these amendments contain incorporations by reference?**


8) **Statement of availability:**

   The adopted amendments, a copy of the Board’s opinion and order adopted January 9, 2003, and all materials incorporated by reference are on file at the Board’s principal office and are available for public inspection and copying.

9) **Notice of proposal published in Illinois Register:**

   November 1, 2002, 26 Ill. Reg. 16125

10) **Has JCAR issued a Statement of Objections to these rules?**

    No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
11) Differences between proposal and final version:

A table that appears in the Board’s opinion and order of January 9, 2003 in docket R03-7 summarizes the differences between the amendments proposed by the Board in an opinion and order dated January 9, 2003, in consolidated docket R03-4, and those adopted by an order dated September 5, 2002. Many of the differences are explained in greater detail in the Board’s opinion and order of January 9, 2003 adopting the amendments. None of the differences have a substantive effect.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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

Since the Notices of Proposed Amendments appeared in the November 1, 2002 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of January 9, 2003 in docket R03-7, as indicated in item 11 above. See the January 9, 2003 opinion and order in docket R03-7 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

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.

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

Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R03-7 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
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The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

Section
726.140 Applicability (Repealed)
726.141 Prohibitions (Repealed)
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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
726.304 Standards Applicable to Emergency Responses
# NOTICE OF ADOPTED AMENDMENT

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>726.310</td>
<td>Definitions</td>
</tr>
<tr>
<td>726.320</td>
<td>Storage and Treatment Conditional Exemption</td>
</tr>
<tr>
<td>726.325</td>
<td>Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste</td>
</tr>
<tr>
<td>726.330</td>
<td>Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption</td>
</tr>
<tr>
<td>726.335</td>
<td>Treatment Allowed by a Storage and Treatment Conditional Exemption</td>
</tr>
<tr>
<td>726.340</td>
<td>Loss of a Storage and Treatment Conditional Exemption and Required Action</td>
</tr>
<tr>
<td>726.345</td>
<td>Reclaiming a Lost Storage and Treatment Conditional Exemption</td>
</tr>
<tr>
<td>726.350</td>
<td>Recordkeeping for a Storage and Treatment Conditional Exemption</td>
</tr>
<tr>
<td>726.355</td>
<td>Waste No Longer Eligible for a Storage and Treatment Conditional Exemption</td>
</tr>
<tr>
<td>726.360</td>
<td>Applicability of Closure Requirements to Storage Units</td>
</tr>
<tr>
<td>726.405</td>
<td>Transportation and Disposal Conditional Exemption</td>
</tr>
<tr>
<td>726.410</td>
<td>Wastes Eligible for a Transportation and Disposal Conditional Exemption</td>
</tr>
<tr>
<td>726.415</td>
<td>Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption</td>
</tr>
<tr>
<td>726.420</td>
<td>Treatment Standards for Eligible Waste</td>
</tr>
<tr>
<td>726.425</td>
<td>Applicability of the Manifest and Transportation Condition</td>
</tr>
<tr>
<td>726.430</td>
<td>Effectiveness of a Transportation and Disposal Exemption</td>
</tr>
<tr>
<td>726.435</td>
<td>Disposal of Exempted Waste</td>
</tr>
<tr>
<td>726.440</td>
<td>Containers Used for Disposal of Exempted Waste</td>
</tr>
<tr>
<td>726.445</td>
<td>Notification</td>
</tr>
<tr>
<td>726.450</td>
<td>Recordkeeping for a Transportation and Disposal Conditional Exemption</td>
</tr>
<tr>
<td>726.455</td>
<td>Loss of a Transportation and Disposal Conditional Exemption and Required Action</td>
</tr>
<tr>
<td>726.460</td>
<td>Reclaiming a Lost Transportation and Disposal Conditional Exemption</td>
</tr>
</tbody>
</table>

## 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

726.Appendix M Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units
726.Table A Exempt Quantities for Small Quantity Burner Exemption

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


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
Illinois Register

Pollution Control Board

Notice of Adopted Amendment

“burn” means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

b) Integration of the MACT standards.

1) Except as provided by 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(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;

AB) The closure requirements of Sections 726.202(e)(11) and 726.203(l);

BC) The standards for direct transfer of Section 726.211;

CD) The standards for regulation of residues of Section 726.312; and
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 (September 30, 1999)):

Under [the approach adopted by USEPA as a] final rule, MACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

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. 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 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 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 shall comply with the requirements of subsection (h) of this Section:

A) Provide a one-time written notice to the Agency indicating the following:

i) The owner or operator claims exemption under this subsection;

ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (e)(2)-(d)(2) of this Section;

iii) The hazardous waste contains recoverable levels of metals; and

iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection (d);

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection (d) under procedures specified by “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” SW-846, incorporated by
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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 (e)(1)(C) (d)(1)(C) of this Section; or

B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (e)(1)(C) (d)(1)(C) of this Section.

3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation 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 shall\ must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection (d)(3) or subsection (e)(1)-(d)(1) of this Section. The owner or operator shall\ must comply with the requirements of subsection (e)(1)-(d)(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 (e)(1)-(d)(1) of this Section, provided that the following are true:

i) A waste listed in Appendix K of this Part must contain recoverable levels of lead, a waste listed in Appendix L of this Part must contain recoverable levels of nickel or chromium, a waste listed in Appendix M of this Part must contain recoverable levels of mercury and contain less than 500 ppm of Appendix H to 35 Ill. Adm. Code 35 Ill. Adm. Code 261. Appendix H-721 organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;

ii) The waste does not exhibit the toxicity characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;

iii) The waste is not a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. Subpart D because it is listed for an organic constituent, as identified in Appendix 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 (e)(3)-(d)(3) of this Section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (e)(1)(B)-(d)(1)(B) of this Section,
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

and records to document compliance with subsection (e)(3), (d)(3) of this Section must be kept for at least three years.

B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in Appendix H to 35 Ill. Adm. Code 721. 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 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
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

from regulation under this Subpart H, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall must do the following:

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 shall must 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 shall must 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 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.
Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart H:

“APCS” means air pollution control system.

“BIF” means boiler or industrial furnace.

“Carcinogenic metals” means arsenic, beryllium, cadmium, and chromium.

“CO” means carbon monoxide.

“Continuous monitor” is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

“DRE” means destruction or removal efficiency.

“cu m” or “m³” 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.

“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.


NOTICE OF ADOPTED AMENDMENT

“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 reference in Appendix I of this Part.

“mg” means microgram.

(Source: Amended at 27 Ill. Reg. 4200, effective February 14, 2003)
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

1) **Heading of the Part:** Claims, Adjudication, Appeals And Hearings

2) **Code Citation:** 56 Ill. Adm. Code 2720

3) **Section Number:** 2720.18  **Emergency Action:** New Section

4) **Statutory Authority:** 20 ILCS 5/5-125; 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304.

5) **Effective Date of Amendments:** February 15, 2003

6) **If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire:** Not applicable

7) **Date Filed with the Index Department:** February 15, 2003

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department’s principal office in Chicago and is available for public inspection.

9) **Reason for Emergency:** Three of the five members of the Board of Review recently resigned or retired. As a result, there are only two remaining members. The statute does not address the number of members that are needed in order for the Board to continue to issue decisions. Without an immediate resolution to this question, Board decisions will have to be held up pending the appointment of new Board members by the Governor. Holding decisions could result in the over or under payment of unemployment insurance benefits.

10) **A Complete Description of the Subjects and Issues Involved:** This amendment would give the Board of Review the authority to continue to issue decisions so long there is at least one member who represents the employing class and one who represents the employee class. It would also specify that, when there are only two members serving, both must agree on the outcome.

11) **Are there any other proposed amendments pending on this Part?** No.

12) **Statement of Statewide Policy Objective?** This emergency amendment neither
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

creates nor expands any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

The full text of the Emergency Amendment appears on the following page:
DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF EMERGENCY AMENDMENT(S)
TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS
PART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS
SUBPART A: GENERAL PROVISIONS

Section
2720.1 Definitions
2720.2 Emergency Extensions Of Time Limits For Filing (Emergency Expired)
2720.3 "Week" In Relation To "Benefit Year"
2720.5 Service Of Notices, Decisions, Orders
2720.7 Application For Electronic Data Transmission
2720.10 Computation Of Time
2720.15 Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.18 Board Of Review: A Quorum
EMERGENCY
2720.20 Attorney Representation Of Claimants
2720.25 Form Of Papers Filed
2720.30 Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section
2720.100 Filing a Claim
2720.101 Filing, Registering And Reporting By Mail Under Special Circumstances
2720.105 Time For Filing An initial Claim For Benefits
2720.106 Dating of Claims For Weeks Of Partial Unemployment
2720.107 Employing Unit Reports For Partial Unemployment
2720.108 Alternative “Base Period”
2720.110 Required Second Visit To Local Office
2720.112 Telephone Certifications
2720.115 Continuing Eligibility Requirements
2720.120 Time for Filing Claim Certification For Continued Benefits
2720.125 Work Search Requirements For Regular Unemployment Insurance Benefits
(Repealed)
DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

2720.126 Availability For Part Time Work Only (Repealed)
2720.127 Director’s Approval Of Training (Repealed)
2720.128 Active Search For Work: Attendance At Training Courses (Repealed)
2720.129 Regular Attendance In Approved Training (Repealed)
2720.130 Employing Unit Protest Of Benefit Payment
2720.132 Required Notice by An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
2720.135 Adjudicator Investigation
2720.140 Adjudicator Determination
2720.145 Payment of Unemployment Insurance Benefits For Initial Claims
2720.150 Applying For Unemployment Insurance Benefits Under Extension Claims
2720.155 Non-Resident Application For Benefits
2720.160 Reconsidered Findings Or Determinations

SUBPART C: APPEALS TO REFEREE

Section
2720.200 Filing Of Appeal
2720.201 Application For Electronic Data Transmission Of Notice Of Hearing
2720.205 Notice Of Hearing
2720.210 Preparation For The Hearing
2720.215 Format Of Hearings
2720.220 Ex Parte (One Party Only) Communications
2720.225 Subpoenas
2720.227 Depositions
2720.230 Consolidation Or Severance Of Proceedings
2720.235 Withdrawal Of Appeal
2720.240 Continuances
2720.245 Conduct Of Hearing
2720.250 Rules Of Evidence
2720.255 Failure Of Party To Appear At The Scheduled Hearing
2720.265 The Record
2720.270 Referee's Decision
2720.275 Labor Dispute Appeals
2720.277 Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW
SPECIAL PROVISIONS

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

Section
2720.300 Filing of Appeal
2720.305 Notice of Appeal
2720.310 Request For Oral Argument
2720.315 Submission Of Written Argument Or Request To Submit Additional Evidence
2720.320 Access To Record
2720.325 Withdrawal Of Appeal
2720.330 Consolidation Or Severance Of Appeals
2720.335 Decision Of The Board Of Review
2720.340 Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345 Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, 2304 of the Unemployment Insurance Act, as amended by P.A. 92-396 [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].


SUBPART A: GENERAL PROVISIONS

2720.18 Board Of Review: A Quorum

EMERGENCY

In order to issue a decision, the Board of Review must have at least 2 members serving, at least one of whom must represent the employee class and at least one of whom must represent the
employing class. Where there are only 2 members serving, both members must agree on the result in order for the decision to be issued.

(Source: Added by emergency rulemaking at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150 days)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: Illinois Swimming Facility Code

2) Code Citation: 77 Ill. Adm. Code 820

3) Section Numbers: Emergency Action:
   820.10  Amendment
   820.20  Amendment
   820.100 Amendment
   820.110 Amendment
   820.120 Amendment
   820.130 Amendment
   820.140 Amendment
   820.170 New Section
   820.150 Amendment
   820.200 Amendment
   820.210 Amendment
   820.220 Amendment
   820.230 Amendment
   820.240 Amendment
   820.250 Amendment
   820.270 Amendment
   820.290 Amendment
   820.300 Amendment
   820.310 Amendment
   820.315 Amendment
   820.320 Amendment
   820.330 Amendment
   820.340 Amendment
   820.350 Amendment
   820.360 Amendment
   820.380 Amendment
   820.400 Amendment

4) Statutory Authority:
   Authorized by and implementing the Swimming Facility Act [210 ILCS 125]

5) Effective Date of Emergency Rules: February 15, 2003
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire: This emergency rule expires at the end of the 150-day period.

7) Date filed with the Index Department: February 11, 2003

8) A statement that a copy of the emergency rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection:

A copy of the emergency rules, including any material incorporated by reference, is on file in the Department’s principle office and is available for public inspection.

9) Reason for Emergency:

Recent amendments (Public Act 92-18, House Bill 1551, effective June 28, 2001) to the Swimming Facility Act (formerly the Swimming Pool and Bathing Beach Act) charge the Department with new regulatory authority. The Department is required to issue a construction permit for any public spa built after January 1, 2003. All public spas are required to be licensed after May 1, 2003. Because the Department’s current rules do not specify requirements for the design, construction or operation of spas, it is important that the new provisions for licensing become effective immediately. Requests for approval of plans are already being received. Without the rules in place, permits cannot be issued and facilities built without a permit will be in violation of the law. It is estimated that there are about 800 spas that will be required to be licensed by the Department by May 1, 2003. Inspections must be initiated as soon as possible so these facilities can be inspected for compliance with the new requirements, altered if necessary to achieve compliance, and licensed by May 1, 2003.

Amendments to the Swimming Facility Act also require the Department to specify provisions to prevent bather entrapment in both existing and new swimming facilities. It is important that these rules be adopted and implemented as soon as possible in order to prevent injuries or deaths related to this danger. A serious injury occurred at a facility in September 2002 that would have been prevented, had the requirements of these proposed rules been in place.

10) A Complete Description of the Subjects and Issues Involved:

The emergency amendments add definitions including “anti-vortex cover”, “major alteration”, “pool deck”, “safety cover”, safety vacuum release device”, “safety
vent pipe”, “spa”, “spa user capacity”, “suction grate”, “swimming facility”, “swimming pool” and “water slide”. Guidelines of the American Society of Mechanical Engineers entitled “Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances” are being incorporated by reference. The amendments require a construction permit for major alterations of a swimming facility and revise design and operational requirements for existing swimming facilities that undergo major alterations and for new swimming facilities. The amendments also specify requirements relative to pool drains and outlets to prevent bather entrapment for new and existing pools. Licensing requirements for spas, which are required to be licensed after February 15, 2003.

11) Are There Any Proposed Amendments Pending on this Part?

Yes____ No_T

12) Statement of Statewide Policy Objectives: Expenditures by units of local government may be necessary for compliance with these emergency rules.

13) Information and questions regarding these emergency rules shall be directed to:

Peggy Snyder
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
e-mail: rules@idph.state.il.us.

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820

ILLINOIS SWIMMING POOL AND BATHING BEACH FACILITY CODE

SUBPART A: GENERAL DEFINITIONS AND INCORPORATED MATERIALS

Section
820.10 Definitions
EMERGENCY
820.20 Incorporated Materials
EMERGENCY

SUBPART B: SWIMMING POOLS AND BATHING BEACHES GENERAL REQUIREMENTS

Section
820.100 Permits
EMERGENCY
820.110 Water Supplies
EMERGENCY
820.120 Wastewater Disposal
EMERGENCY
820.130 Food Service Sanitation
EMERGENCY
820.140 Exemptions Swimming Facilities in Existence Prior to February 15, 2003
EMERGENCY
820.150 Variances
EMERGENCY

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS FOR POOLS AND WATER SLIDES

Section
820.170 Application of Subpart C
EMERGENCY
NOTICE OF EMERGENCY AMENDMENTS

820.200 General Design Requirements
820.210 Swimming Pool Water Treatment System
820.220 Swimming Pool Bather Preparation Facilities
820.230 Wading Pools, Spas
820.240 Spray Pools
820.250 Slides
820.260 New Equipment, Construction and Materials (Repealed)
820.270 Lazy Rivers

SUBPART D: OPERATIONAL REQUIREMENTS FOR POOLS AND WATER SLIDES

Section
820.290 Applicability of Operation Requirements
820.300 Personnel
820.310 Safety Equipment
820.315 Notification
820.320 Water Quality
820.330 Swimming Pool Facility Closing
820.340 Operation and Maintenance
820.350 Operation Reports and Routine Sampling
820.360 Patron Regulations
820.370 Swimming Suits and Towels Furnished by Management
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

820.380  **Wading Pools, Spray Pools and Therapy Pools**

820.390  Refuse Disposal

**SUBPART E: BATHING BEACH DESIGN AND OPERATION**

Section

820.400  Minimum Sanitary Requirements for Bathing Beaches

820.500  Minimum Sanitary Requirements for Bathing Beaches (Renumbered)

820.Appendix A  Illustrations
Illustration A  Slope of Pool Floor
Illustration B  Pool Walls
Illustration C  General Pool Diving Area Dimensions
Illustration D  Pools with Diving Facilities in Excess of Three Meters in Height
Illustration E  Slide Dimensions (Repealed)
Illustration F  Slide Position (Repealed)
Illustration G  Flow Meter Installation
Illustration H  Skimmer Construction
Illustration I  Installation of a Pressure Sand Filter System
Illustration J  Installation of a Pressure Diatomaceous Earth Filter System
Illustration K  Installation of a Vacuum Filter System
Illustration L  Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
Illustration M  Chlorine Injection into Return Line to Pool Using External Water Source Pressure (Repealed)
Illustration N  Chlorine Injection into Return Line to Pool Using Booster Pump

820.Appendix B  Tables
Table A  Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
Table B  First Aid Kit Contents
Table C  Flows Carried by Inlets
Table D  Sizing Swimming Pool Chlorinators
Table E  Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY:  Implementing and authorized by the Swimming Pool and Bathing Beach Facility Act [210 ILCS 125].

SUBPART A: GENERAL DEFINITIONS AND INCORPORATED MATERIALS

Section 820.10Definitions

EMERGENCY

In addition to the definitions in the Illinois Swimming Pool and Bathing Beach Facility Act, the following additional definitions shall apply:

"Act" means the Swimming Pool and Bathing Beach Facility Act [210 ILCS 125].

“Anti-vortex Cover” means a cover for a suction outlet in a pool that has a raised center portion and has openings for water flow only around the periphery of the cover, or other suction outlet cover that is not a suction grate and has a configuration designed to prevent bather entrapment.

"Approval" means compliance with the Act and this Part.

“Approved Certification Agency” means an organization that has been accredited by ANSI and found to meet the requirements specified in ANSI Z 34.1 (1993), Third Party Certification Program to evaluate swimming pool equipment for compliance with NSF Standard 50.

“Appurtenance” means an accessory facility or feature at a swimming pool or bathing beach facility, such as a diving board, slide, wading pool, plunge pool, spray pool, or bathhouse. The term does not refer to a therapy pool as defined in this Section.

“Attendant” means a person at least 16 years of age, stationed at the top of a water slide
and responsible for ensuring safe use of the slide.

"Bather Load" means the maximum number of persons that may be allowed in the pool area at one time without creating undue health or safety hazards. (See Section 820.200(b).)

“Bathing Beach” means a Public Bathing Beach as defined in the Act.

"Community Water System" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

“Construction” means the process of building or fabricating a swimming pool, bathing beach or appurtenance.

"Construction in a Flood Plain" means the placement or erection of structures or earthworks; land filling, excavation or non-agricultural alteration of the ground surface; installation of public utilities; channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.

“Deep Area” means an area of a swimming pool in which the water depth exceeds five feet.

“Development” means improvement of a site for the purpose of establishing a bathing beach, the addition of an appurtenance to an existing swimming pool or bathing beach, modifying the shape, water surface area or depth of a swimming pool, or changing the design of the water recirculation or water treatment system of a swimming pool. It does not include repairs to existing facilities that do not alter the design of the facility.

"Diving Pool" means a pool designed and intended for use exclusively for diving.

“Drop Slide” means a slide with an exit angle exceeding 11 degrees measured downward from the horizontal.

"Flume" means the inclined channel of a water slide.

“Homeowner’s Association” is a not-for-profit corporation comprised of members who have common ownership interest in property owned or operated by the association for the
benefit of all the members.

"Inlet" means an opening or fitting through which filtered water enters the pool.

“Installation” means the emplacement of a swimming pool manufactured and transported to the intended site.

“Lazy River” means a swimming pool intended for use with flotation devices and consisting of a closed loop with an artificially induced current.

"Main Drain" means an outlet in the floor of a pool.

“Major alteration” means a substantial modification of a swimming facility. The term includes an alteration of a pool that changes the depth or volume, addition of an appurtenance to a pool or beach, modification of the design of the recirculation system for a pool, or addition, replacement or modification of a bather preparation facility for a swimming facility.

"Make-up Water" means the water added to a pool to replace that which is lost.

"Manager/Operator" means the person or entity responsible for the actual daily operation, or for the supervision of the operation, of a swimming pool or bathing beach facility.

"Office of Water Resources" means the Illinois Department of Natural Resources, Office of Water Resources, 3215 Executive Park Dr., Springfield IL 62703.

"Perimeter Overflow System" means a channel normally extending completely around the pool used to skim the surface layer of water. Also known as an overflow gutter.

"Permit" means a certificate issued by the Department allowing the construction, development, or installation or major alteration of a swimming pool or bathing beach facility under the provisions of the Act.

“Plunge Area” means a location in a pool or bathing beach at the exit of a slide, or the area in a pool below and in front of a diving board or platform.

"Plunge Pool" means a pool designed for and used exclusively as a plunge area for one or more slides.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

“Pool” means a swimming pool or a wading pool, plunge pool, spa, or other recreational water basin utilized in conjunction with or as an appurtenance to a swimming pool by the public. The term does not refer to spas and therapy pools not designed or intended for swimming or to basins for individual use that are drained after each use.

“Pool deck” means a walkway adjacent to a pool.

"Pool Depth" means the vertical distance between the pool floor and the water level.

“Project Designer” means a licensed design professional primarily responsible for the design of the construction, development, or installation, or major alteration of a swimming pool or bathing beach facility or aspect thereof.

"Recirculation Piping" means the piping from the pool to the filters and back to the pool, through which the pool water circulates.

“Safety Cover” means a cover for a pool suction outlet that has been designed to prevent bather entrapment, and has been certified for conformance to ASME/ANSI Standard A112.19.8M.

“Safety Vacuum Release Device” means a device that has been designed to prevent bather entrapment on a suction fitting in a pool by immediately admitting air into the suction piping or by de-energizing the pump upon sensing an increase in vacuum in the suction pipe.

“Safety Vent Pipe” means a piping arrangement designed to admit air into suction piping to break a vacuum caused by a blocked suction fitting in a pool.

"Shallow Area” means an area in a swimming pool, in which the water depth does not exceed five feet at any point.

"Skimmer" means a mechanical device connected to the recirculation piping which is used to skim the pool surface.

“Slide” means a recreational feature, including a water slide or drop slide, with a smooth, inclined flume or channel by which a rider is conveyed downward to a plunge area.

"Slip-Resistant" means not conducive to slipping under contact with bare feet when wet.
“Spa” means a basin of water designed for recreational or therapeutic use that is not drained, cleaned, or refilled for each user. It may include hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or some combination thereof. It includes “therapeutic pools”, “hydrotherapy pools”, “whirlpools”, “hot spas”, and “hot tubs”. It does not include these facilities at individual residences intended only for use by the occupant and his or her guests. The term refers only to pools designed for use by seated users, and not designed for swimming or wading. (Section 3.10 of the Act)

“Spa User Capacity” means the maximum number of persons that may be allowed in a spa at one time.

"Spray Area" means an artificially constructed area over which water is sprayed but is not allowed to pool.

“Suction Grate” means a cover for a suction outlet that is flat, normally having a regular and uniform pattern of openings for passage of water. The term does not refer to an anti-vortex cover.

“Superchlorination” means the establishment of an elevated chlorine residual in pool water for the purpose of removing combined chlorine (chlorine that has reacted with nitrogenous compounds) or destroying unwanted organisms in the pool.

“Surge Weir” means an opening into a perimeter overflow system channel that allows skimming of the pool water surface when the surface is below the level of the overflow lip of the perimeter overflow system.

“Swimming Facility” means a swimming pool, spa, public bathing beach, water slide, lazy river, or other similar aquatic feature. (Section 3.12 of the Act)

“Swimming Pool” means any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, wading, floating, or diving, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having 5 or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A.’s, Y.W.C.A.’s, parks, recreational areas, motels, hotels and other commercial establishments. It does not include pools at private residences intended only for the use of the owner and guests. The term does not include a spa or a spray area. (Section 3.01 of the Act)

“Therapy Pool” means a pool intended only for medical treatment, physical therapy or
muscle relaxation and not intended for swimming or instruction in swimming, and includes spas, whirlpools and hot spas.

"Transition Point" means a location in a shallow area of a swimming pool where an area, having a floor slope of no more than one foot vertical in 12 feet horizontal, adjoins an area where the floor slope exceeds one in 12.

"Turnover Period" means the time required to recirculate a volume of water equivalent to the water volume of the pool through the filtration system.

“Wading Area” means a portion of a pool, other than an area of limited extent such as a stair, seat or ramp, where the water depth does not exceed 30 inches; or the portion of a bathing beach where the water depth is less than five feet, or that portion thereof designated by the installation of a buoyed line to separate this area from deeper water.

"Wading Pool" means a swimming pool having a maximum water depth not exceeding 30 inches.

"Water Level” means the level of the overflow lip of a perimeter overflow system or the mid-level of surge weirs, if present, or the mid-level of the skimmer operating range.

“Water slide” means a slide with a flow of water and having a flume exceeding 30 feet in length. “Water Slide” means a ride with a flow of water and having a flume exceeding 30 feet in length. The term includes a plunge pool associated with a water slide. (Section 3.11 of the Act)

"Wave Pool" means a swimming pool designed for the purpose of producing wave action in the water.

“Zero-Depth Edge” means that portion of the perimeter of a zero-depth pool where the pool floor intersects the pool water surface.

“Zero-Depth Pool” means a swimming pool where the pool floor intersects the water surface along a portion of its perimeter.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.20 Incorporated Materials
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

The following materials are incorporated or referenced in this Part and are available for inspection at the Department’s Springfield office:

a) Statute
   Swimming Pool and Bathing Beach Facility Act [210 ILCS 125]

b) Regulations
   1) Illinois Plumbing Code (77 Ill. Adm. Code 890). (See Sections 820.200(r), 820.2109(c)(1), and 820.210(f)(1)(A).)
   2) Regulation of Construction Within Flood Plains (92 Ill. Adm. Code 706). (See Sections 820.10 and 820.100(b)(3)(A).)
   3) Drinking Water Systems Code (77 Ill. Adm. Code 900). (See Section 820.110(a).)
   4) Private Sewage Disposal Code (77 Ill. Adm. Code 905). (See Section 820.120.)
   5) Food Service Sanitation Code (77 Ill. Adm. Code 750). (See Section 820.130.)
   6) Public Water Supplies (35 Ill. Adm. Code: Subtitle F, Chapters I and II). (See Section 820.110(a).)
   7) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895). (See Section 820.110(a).)

c) Other Materials
      National Fire Protection Association
      Batterymarch Park, Quincy MA  02269
   2) NSF International
      NSF Standard 50 (July 1996 2001)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

3475 Plymouth Road
P.O. Box 13014
Ann Arbor, MI 48113-0140

3) ANSI Z 34.1 (1993), Third Party Certification Program
American National Standards Institute
11 West 42nd Street
New York, NY 10036

The American Society of Mechanical Engineers
345 East 47th Street
New York, NY 10017

d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

GENERAL REQUIREMENTS

Section 820.100 Permits

a) Construction Permit. A construction permit must be obtained prior to beginning any construction, development, or installation, or major alteration of a swimming pool or bathing beach facility.

b) Procedure to Obtain a Construction Permit.

1) The owner or his representative must submit to the Department a completed application for a construction permit. The application forms are available from
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

2) One set of detailed construction plans and specifications each bearing the seal and signature of an engineer or architect, licensed to practice in Illinois, shall be submitted for initial review. However, three sets of such drawings shall be submitted prior to the issuance of a construction permit. These plans and specifications shall comply with the following requirements:

A) All plans and specifications shall be clear, consistent and legible and include the name of the project location, the scale in feet, the north point and date.

B) Detailed plans shall consist of plan view, elevations, sections and supplementary views and specifications. Dimensions, locations and relative elevations of structures and equipment, location and size of piping, water levels, ground elevations, and pump curve(s) shall be included. The plans and specifications shall indicate compliance with all applicable requirements.

C) No change in location or construction of the project shall be made from plans and specifications that have been approved without first submitting details of the proposed changes to the Department and receiving subsequent approval.

3) Construction Requirements in Flood Plains

A) Scope. All construction, development or installation shall be built in accordance with the flood damage prevention standards of the Flood Plain Regulations of the Illinois Department of Natural Resources. (92 Ill. Adm. Code 706).

B) Verification of Compliance. When construction, development or installation is proposed in a flood plain, the applicant shall determine if the site is in a Special Flood Hazard Area. The "Special Flood Hazard Area Location Request Form," available from the Department, shall be completed and submitted to the Department. If the site is located in such an area plans for the project shall be forwarded to the Illinois Department of Natural
c) Revised Plans and Specifications. If Department review of the submitted documentation identifies the need for correction to the plans and/or specifications, corrected copies shall be submitted. If the revised documentation is satisfactory pursuant to this Section, a construction permit shall be issued to the applicant.

d) Procedure After the Issuance of a Construction Permit.

1) The facility owner or permit applicant shall notify the appropriate Department regional office or authorized agent as specified with the issuance of the permit, when construction, development or installation of the project has been initiated and again when construction, development or installation has been completed.

2) The owner of a new swimming pool facility, or a facility that has undergone extensive modification or replacement of the pool structure, shall not operate, or allow to be operated, the swimming pool facility until a license for such operation has been issued by the Department. In order to apply for a license, an original license application form shall be completed and submitted to the Department or approved governmental entity specified in the permit with the appropriate fee. The license applicant shall contact the appropriate regional office to make arrangements for an inspection of the facility after making application and ensuring that the facility is in an operating condition and in compliance with this Part. A current license for a pool that is to undergo extensive modification of the pool structure shall expire when the modification is initiated.

3) No currently licensed facility that has undergone development, or for which development is planned, a major alteration shall be operated during or following such development until authorization of operation has been issued by the Department.

4) The owner, manager or other responsible party must keep a set of plans and specifications bearing the approval stamp of the Department at the pool or beach after the project has been completed.
e) Alterations or Repairs of Existing Facilities. Except as allowed in Section 140, repairs or remodeling of existing pools facilities must be in compliance with design requirements in Subpart C of this Part. Alterations that meet the definition of development as defined in Section 820.10 of this Part shall require a construction permit. A permit must be obtained prior to the initiation of a major alteration. For an alteration that is not a major alteration, the facility owner shall notify the Department in writing within 10 days of the alteration or repair.

f) Preliminary Concept Approval. The Department will review innovative design concepts and other design features that are not in strict compliance with this Part in advance of submission of plans and specifications to assure that the proposed concept or design will meet the intent of this Part. Preliminary concept reviews may be conducted at the request of the project designer so that the innovative design(s) can be explained.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.110 Water Supplies


b) The water supply used for filling a swimming pool shall be capable of providing enough water to raise the water level in the pool at least one inch in three hours.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 820.120  Wastewater Disposal

EMERGENCY

a) Sewage generated from the operation of a swimming pool or bathing beach facility shall discharge to a public sanitary sewer or to a system which complies with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 910).

b) Deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or the ground surface. Such drainage shall not result in nuisance conditions that create an offensive odor, produce a stagnant wet area, or create an environment for the breeding of insects.

c) Wash or backwash water from sand filters shall be discharged to natural drainage areas, sanitary sewers, storm sewers, or to the ground surface in a manner that does not result in a nuisance condition.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.130  Food Service Sanitation

EMERGENCY

All food service establishments operated in conjunction with swimming pools or bathing beaches facilities shall be constructed and operated in accordance with the Department’s Food Service Sanitation Code (77 Ill. Adm. Code 750).

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.140  Exemptions Swimming Facilities in Existence Prior to February 15, 2003

EMERGENCY

a) Design standards contained in Sections 820.200 to 820.250 shall not apply to a licensed swimming pool existing on or before May 20, 1999 except when, in the interest of public health or safety, remedial action to correct a condition not in compliance with the design standard is ordered by the Department or authorized agent. Examples of such conditions may include, but shall not be limited to, inadequate lighting or enclosure barriers, unsafe deck conditions, lack of depth markers, disinfection systems that do not allow the minimum disinfection levels...
to be maintained, and previously cited violations that were not corrected as required. However, in accordance with Section 820.100(e) of this Part, development, repairs, remodeling or alterations of existing facilities shall comply with the design standards of this Part. Except for bathing beaches, the following requirements shall apply to swimming facilities that were in existence prior to February 15, 2003.

1) Except for waters slides discharging to bathing beaches, such facilities shall be enclosed in accordance with Section 820.200(a). In addition, wading pools must be separately enclosed in accordance with Section 820.200(a)(5).

2) Ladders, slides, diving boards, and other appurtenances shall be designed, constructed and maintained so as not to present a hazard to users. Stairs shall be equipped with handrails.

3) A spa shall have a handrail to designate an entry location. The entry location shall be equipped with a stair or a ladder, unless the vertical distance between the spa rim and the spa floor or a seat at this location is no more than 24 inches.

4) Floors at locations with a water depth of 5 feet or less, pool decks, stair and ladder treads, and other horizontal surfaces subject to foot contact shall be slip-resistant.

5) Decks and walkways shall be of impervious material that can be readily cleaned and disinfected, or shall be covered with a floor covering material that complies with Section 820.200(j)(4). Carpet shall not be utilized.

6) The material standards contained in Section 200(d) shall be met, except that the requirement for light-colored interior surfaces shall not apply to a spa.

7) There shall be no obstructions that may present a hazard to users.

8) A recirculation system that includes a pump, filter, disinfectant feeder, and necessary piping, valves, and fittings shall be provided. The system shall substantially comply with the standards of Section 820.210, and shall be designed for and capable of providing a flow rate that will result in a turnover period that complies with Section
820.210(a). A flowmeter or other means of determining the recirculation flow rate shall be provided.

9) Lighting shall be provided in accordance with Section 820.200(o).

10) Electrical systems shall be maintained in a safe condition. Conductors shall be properly sized for the required load. Equipment shall be grounded. Except for those that operate at a voltage not exceeding 15 volts, all underwater lights shall be provided with ground-fault circuit interrupter protection for personnel. Electrical receptacles and switches shall not be located within 5 feet of a pool. Each electrical receptacle located within 10 feet of a pool shall be protected by a ground-fault circuit interrupter.

11) Restroom facilities maintained in a sanitary condition shall be provided for patrons of swimming facilities. This requirement shall not apply to those facilities available to guests or occupants of residences or living units, and such living units are located within 500 feet of the swimming facility.

12) Potable water piping shall be protected against back-siphonage in accordance with the Illinois Plumbing Code.

13) Pool equipment, such as pumps, filter, and chemical feeding equipment, and pool chemicals, shall be accessible only to authorized persons.

14) Pool suction outlet systems shall incorporate features to prevent bather entrapment, as follows:

A) Each outlet, including main drains and suction outlets, but not including skimmers or perimeter overflow system drains, shall be covered with a grate or cover having openings not exceeding one-half inch, and that cannot be removed without the use of tools. Grates shall have sufficient open area so that the velocity through the grate does not exceed 1 ½ feet per second. The velocity through anti-vortex covers shall not exceed 6 feet per second, except that the flow through safety covers shall not exceed the maximum flow rate specified by the manufacturer.

B) By January 1, 2004, suction outlet systems that are directly connected to a pump shall be equipped with one of the following:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

i) a single outlet equipped with a grate that measures at least 24 inches measured diagonally or at least 12 inches square, or with an anti-vortex cover; or

ii) a minimum of two hydraulically balanced outlets spaced at least 3 feet apart, center to center. In a spa, two outlets may be installed closer than 3 feet apart if installed on different surfaces, e.g., one outlet in the floor and one in a wall; or

iii) a single outlet protected by a safety vent pipe or a safety vacuum release device, as specified in Section 820.210(f)(3)(F); or

iv) clearly labeled emergency shutoff switch that will stop the operation of each pump connected to the outlet system, located adjacent to, but a minimum of five feet from, the pool.

b) Exempt facilities may be subject to operational procedures in addition to or in place of those specified in Section 820.340, as specified by the Department, in lieu of compliance with the design standards of this Part. Swimming pools and appurtenant facilities that were in existence prior to February 15, 2003, shall also comply with the design requirements in effect when the facility was constructed, installed or modified.

c) Repairs, remodeling or alterations of existing facilities that are made after February 15, 2003, shall comply with the design standards contained in Subpart C of this Part, except for alterations that are made in order to achieve compliance with this Section.

d) When, in the opinion of the Department, a condition at a facility jeopardizes public health or safety, the Department may order remedial action, including the following:

1) Alteration of the condition according to design standards in Subpart C.

2) If alteration of the condition in accordance with Subpart C is not feasible, or would cause substantial hardship, an alteration that does not comply with Subpart C may be imposed when such modification will effectively
reduce the threat to public health or safety caused by the existing condition.

3) In lieu of imposing remedial alteration of the existing condition, or in conjunction with imposition of a remedial alteration not in compliance with Subpart C, the Department may impose special operational requirements that supplement those contained in Subpart D.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS FOR POOLS AND WATER SLIDES

Section 820.170 Application of Subpart C

Except where indicated otherwise, this Subpart shall only apply to swimming pools, spas, and water slides and their appurtenances constructed, installed or modified after February 15, 2003. Such swimming facilities or appurtenances of these facilities constructed, installed or modified under authorization of a valid permit issued prior to February 15, 2003, shall be deemed to be in compliance with this Part, if the construction complies with the design standards in effect at the time of issuance of the permit.

(Source: Added by emergency rulemaking at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.200 General Design Requirements

Swimming pools and appurtenances, including other pools associated with or provided as appurtenances to swimming pools, shall comply with this Subpart.

a) Enclosures.

1) The swimming pool area pools, spas and water slides shall be completely enclosed by a protective wall, fence or other barrier, at least four feet high, measured on the inside and outside, and not providing ready footing for climbing. The height of an opening
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

under the bottom of the barrier shall not exceed four inches. The
openings in any barrier shall not exceed four inches in width and
height.

2) Each entrance into the pool enclosure shall be equipped with a
door or gate that is self-closing and self-latching. This requirement
is not necessary when people enter the pool area through the
bathhouse and lifeguards are provided in the pool area. Doors and
gates at all entrances to the pool enclosure must be equipped with
hardware that permits secure locking of the entrance.

3) A balcony shall not overhang or extend within 10 feet horizontally
of any portion of the water surface of a swimming pool.

4) Sand areas shall not be allowed inside of the pool enclosure unless
a barrier is provided to control access to the pool. If access is
allowed to such areas, an arrangement must be provided that
requires bathers passing from the sand area to the pool area to pass
through a shower facility with heated or tempered water for
removal of sand.

5) Wading pools located within an enclosure where another
swimming pool or spa having a water depth exceeding 30 inches is
also located shall be separated from the deeper pool by a fence or
other barrier with a height of at least 42 inches but otherwise
conforming to the barrier standards contained in subsection (a)(1)
above and having a self-closing, self-latching door or gate at each
entrance.

6) A water slide having a terminus at a bathing beach shall not be
required to be enclosed according to this subsection.

b) Bather Load. The Department will compute a bather load for each
swimming pool area. A bather load shall be specified with the issuance
of a construction permit for a new swimming pool. In case of multiple
swimming pools contained within a common enclosure, the Department
may compute a combined bather load for the pool enclosure.

1) The criteria to be used for computing the bather load are as
NOTICE OF EMERGENCY AMENDMENTS

follows:

1A) Shallow Area. Fifteen square feet of water surface shall be required for each bather.

2B) Deep Area. Twenty-five square feet of water surface shall be required for each bather, with 300 square feet deducted for each diving board or platform.

3C) The bather load for wading pools shall be computed at 15 square feet of pool water surface for each bather.

4D) A designated plunge area or landing area for a slide, as specified in Section 820.250 of this Part, shall not be considered in computing a bather load.

5E) One bather shall be allowed for each 50 square feet of pool deck area in excess of the minimum specified in Section 820.200(j)(1).

2) Spa User Capacity. A spa user capacity shall be figured on the basis of one user for each 10 square feet of water surface area or 3 lineal feet of seat length, whichever results in the lesser number.

c) Structure. A licensed architect or structural engineer shall certify that the pool is designed to withstand all anticipated hydraulic structural loadings for both full and empty conditions. All appurtenances to the pool, such as diving boards and slides, shall be designed to carry the anticipated load.

d) Material. Pools shall be constructed of materials which provide a rigid watertight shell with a smooth, impervious, light colored finish that is non-toxic and easily cleaned. The floor of shallow areas shall have a slip-resistant finish. Pool vinyl liners may only be installed over a base of concrete, steel or other such rigid material.

e) Obstruction. An obstruction creating a safety hazard shall not extend into or above the pool, or shall not protrude from the floor of the pool.

f) Slope of Pool Floor. The floor of a pool shall slope downward toward the
main drain. The slope in shallow areas shall not exceed one foot vertical in 12 feet horizontal except for a slope directed downward from a transition point, which shall not exceed one foot vertical in three feet horizontal. In portions of the pool with a depth greater than five feet, the front slope of the deep area shall not be steeper than one foot in three feet. The slope requirements are illustrated in Appendix A: Illustration A.

g) Transition Point

1) Transition points shall be marked with a stripe on the pool floor having a width of at least four inches and a color that contrasts with that of the floor, and with a buoyed safety rope with colored buoys, installed at least one foot on the shallow side of the transition point.

2) In other pools having adjoining shallow and deep areas, a safety rope with colored buoys shall be installed where the water depth reaches five feet.

h) Swimming Pool Walls

1) Pool walls shall meet the following requirements:

A) Where the pool depth is 42 inches or less, pool walls shall be vertical to the floor. The junction of the wall with the floor shall consist of a cove with a radius not exceeding six inches.

B) Where the pool depth exceeds 42 inches, pool walls shall meet one of the following criteria:

i) The wall shall be vertical for a distance of at least five feet below the water level, below which the wall may angle to the floor; or

ii) The wall shall be vertical for a distance of at least three feet below the water level, below which the wall shall form a curve to the floor. The curve shall be tangent to the pool wall and shall have a radius of curvature at least equal to the vertical distance between the center of curvature and
2) If pool ledges are provided, they shall have a maximum six inch width, shall be located at least three feet below the water level, shall slope away from the pool wall and shall have a slip-resistant surface with a color that contrasts with the pool walls and floor. The pool wall below the ledge shall be constructed in accordance with the requirements of this Section except that the pool wall may slope inward toward the pool at an angle not exceeding 11 degrees from vertical.

3) Underwater seat benches shall be located a maximum of 20 inches below the water level, be visually set apart, have a slip-resistant surface, and be recessed into the pool wall or be installed so that there are no exposed corners or vertical edges in the pool.

4) All junctions between pool walls, and between pool walls and the pool floor, shall be coved with a minimum radius of one inch.

5) Devices for anchoring safety ropes and racing lane divider ropes shall be recessed into the pool wall.

6) An effective handhold shall be provided at or near the water level where the pool depth is 30 inches or greater. The handhold may consist of the rounded lip of a perimeter overflow system or bullnose coping with round, raised handhold not exceeding two and one-half inches in thickness, or other effective handhold. The handhold shall not protrude more than two inches into or over the pool.

i) Depth Markers.

1) The water depth in swimming pools shall be marked at or above the water surface on the wall of the pool and on the edge of the deck next to the pool so as to be readable by persons entering or in the pool. Where depth markers cannot be placed on the walls at or above the water level such that at least 50% of the marking is above water level, they shall be placed on the pool wall as high as practicable and also on the fencing or pool enclosure so as to be plainly visible to persons in the pool. Depth markings shall be provided at the shallow and deep ends of the pool, the transition point, and the point of maximum depth, and shall be spaced at
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

not more than 25 foot intervals measured peripherally, except that depth markings are not required at a zero-depth edge.

2) Depth markers shall indicate pool depth in either feet, feet and inches, or feet and fractions of a foot, and shall be of a color that contrasts with the background. Numerals indicating depth shall be a minimum of four inches high.

3) In shallow areas, “no diving” markers or symbols at least four inches high must be located at not more than 25 foot intervals around the pool perimeter, except at a zero-depth edge.

j) Walkways and Deck Areas

1) Except for plunge pools, wave pools, and lazy rivers, and spas, pools shall be completely surrounded by a deck that is at least four feet in width and extends completely around and adjacent to the pool. Except as allowed for wave pools in subsection (u) (3), there shall be no obstructions or interruptions of the pool deck within the four feet adjacent to the pool other than necessary structural supports, or appurtenances such as diving boards, slides, perimeter overflow systems, or handrails. A clear, unobstructed walkway at least 42 inches in width shall be maintained at such obstructions or interruptions.

2) Structural supports located within the minimum required deck width or within four feet of the swimming pool shall be no closer than 10 feet apart measured parallel to the adjacent perimeter of the pool, with the dimension of any single support in a plane parallel to the adjacent pool perimeter no greater than three feet and the sum of all such support dimensions no greater than 10 percent of the pool perimeter.

3) The deck between two adjacent swimming pools shall be at least eight feet wide. The deck between a spa and a swimming pool shall be at least four feet in width. All decks and walkways shall have an unobstructed overhead clearance of at least seven feet.

4) Deck Coverings. Synthetic material may be installed if it meets the following criteria:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

A) It is non-fibrous and allows drainage such that it will not remain wet or retain moisture;

B) It is inert and will not support bacterial or fungal growth;

C) It is durable;

D) It is cleanable; and

E) It provides a slip resistant finish.

5) The deck shall slope at least one inch per ten feet to deck drains or to the surrounding ground surface. The maximum slope of the pool deck shall not exceed one inch per foot.

6) Except for linear drains, deck drains shall be located so that not more than 900 square feet of deck area is tributary to each drain, and deck drains shall not be more than 30 feet apart. Deck drains shall be located so that water does not drain more than 15 feet in any one direction. Where deck widths are 15 feet or less, deck drains are not required provided that the deck drains to the ground surface. Deck drains shall not be connected to the pool water recirculation system. Pools designed to operate where the pool water level is at the deck level, may be allowed to drain the first four feet of deck into the pool perimeter overflow system. Up to ten feet of the deck adjacent to a zero-depth edge may be drained into the pool.

7) The decks and walkways shall have a paved surface. The surface of the pool deck, and other surfaces used for foot contact, such as gratings of perimeter overflow systems, shall be slip-resistant.

8) The outer perimeter of the deck for outdoor pools shall be at least four inches higher than the surrounding ground surface except where access is provided to adjacent turf areas.

9) Any opening in the deck shall have a locking type cover which is flush with the deck.

10) Hose bibbs shall be provided for cleaning all parts of the pool and deck
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

(maximum separation 150 feet).

11) Except for wave pools, the vertical distance between the surface of the deck, pool curb or pool rim and the water level shall not exceed 10 inches.

12) A swimming pool perimeter curb or raised rim, if provided, shall be at least four inches in height, measured above the adjacent pool deck surface. This requirement does not apply to a handhold provided in accordance with subsection (h)(6).

k) Ladders, Step-Holes, Steps and Ramps

1) Swimming pools shall have at least two means of egress, located near opposite ends. Pools 30 feet or more in width shall have at least four means of egress that shall be located near each end and on opposite sides. A means of egress shall consist of a ladder, step-holes and grab rails, stair, ramp, or zero-depth edge. The distance from any point with a depth greater than 30 inches in the swimming pool to a means of egress shall not exceed 50 feet. At least two ladders or sets of step-holes shall be located at the deep area of the swimming pool when more than one diving board is provided.

2) Step-holes shall have a minimum tread depth of five inches. Where step-holes or ladders are provided, there shall be a handrail or grab rail at the top on both sides which extends to the edge of the pool.

3) Steps shall be of contrasting color or marked to contrast from the pool floor and have uniform size treads of at least 12 inches and a rise of no more than 12 inches. Steps shall be located where the water depth is three and one-half feet or less, and shall have no pointed or sharp edges. One sturdy handrail or grab rail per 12 feet of step width or fraction thereof, extending the length of the steps, shall be provided.

4) All ladders, step-holes, and steps shall have slip-resistant surfaces.

5) Ramps shall slope at no more than one inch in 12, shall have a slip-resistant surface, shall be no more than four feet wide, and shall have handrails on both sides.
NOTICE OF EMERGENCY AMENDMENTS

l) Drinking Fountains. A drinking fountain shall be provided for the use of bathers on the pool deck.

m) Diving Area

1) Handrails shall be provided at all steps and ladders leading to diving boards, except for those ladders set at 15 or less from the vertical. Platforms and diving boards which are one meter or higher shall be protected with guard railings. One meter diving board guard rails shall be at least 30 inches above the diving board and extend to the pool water's edge. All platforms or diving boards higher than one meter shall have guard rails which are at least 36 inches above the diving board or platform and extend to the pool water's edge. Three meter platforms and boards shall have a side rail barrier.

2) The dimensions of the diving area of a pool that has diving boards or platforms of three meters or less in height shall conform to those shown in Appendix A, Illustration C. In such pools, the distance from the plummet to the pool wall ahead shall be at least 34 feet.

3) Swimming pools constructed with diving facilities in excess of three meters in height shall comply with dimensions given in Appendix B, Table A and illustrated in Appendix A, Illustration D. If the pool is used for swimming as well as diving and if slope N transitions from the deep to the shallow end, then transition slope N shall not be steeper than one foot in three.

4) There shall be no obstruction extending from the wall or the floor into the clear area of the diving portion of the pool. There shall be an unobstructed distance of 16 feet above the diving board measured from the center of the front end of the board, and this clearance shall extend at least eight feet behind, eight feet to each side, and 16 feet ahead of the measuring point.

5) A plunge area shall be designated for each diving board or platform. There shall be no overlap from plunge areas of other diving facilities or slides. The plunge area for a diving board of one meter height or less shall extend four feet laterally from the center of the board on either side and for a distance of 28 feet in front of the tip of the board. For diving boards or platforms greater than one meter in height, the plunge area shall extend six
feet laterally from the center of a diving board or from the side of a platform on either side and for a distance of at least 34 feet in front of the board or platform.

n) StartingPlatforms

1) For swimming pools issued a construction permit after May 20, 1999, or starting platforms installed after that date at existing pools, starting platforms shall only be installed where the water depth is at least 3 ½ feet.

2) The top front edge of the platform shall be no more than 30 inches above the water level for water depths 5 feet or more. For water depths between 3 ½ and 4 feet, the top front edge of the platform shall not exceed 20 inches above the water level.

o) Electrical Installation - Lighting

1) All aspects of the facility shall conform with the 1999 National Electrical Code.

2) Artificial lighting shall be provided at all indoor pools and at all outdoor pools that are open for use after sunset in accordance with one of the following:

   A) Underwater lighting of at least 8.35 lumens or 0.5 watts per square foot of pool water surface area, located to provide illumination of the entire pool floor; plus area lighting of at least 10 lumens or 0.6 watts per square foot of deck area.

   B) If underwater lights are not provided, at least 33.5 lumens or 2.0 watts per square foot of pool water surface area and deck area.

3) Where portable electric vacuum cleaning equipment is used, electrical receptacles with ground-fault circuit interrupter protection shall be provided. Separation between receptacles shall be a maximum of 100 feet. All receptacles installed in the swimming pool area shall have waterproof covers and ground-fault circuit interrupter protection.

4) Light dimmers may not be installed on underwater lighting or lights for
the pool deck.

5) Lighting controls shall not be accessible to the public.


q) Ventilation. Indoor pools shall be mechanically ventilated and have humidity control. The ventilation system shall be capable of admitting 0.5 cubic feet per minute of outdoor air per square foot of floor area, including water surface area, in the pool enclosure.

r) Plumbing. All plumbing shall be in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).

s) Emergency Telephone.

Every swimming pool shall have a telephone which is accessible within the confines of the pool area or within 300 feet of the pool area, in case of emergencies.

t) Equipment Rooms

1) Equipment for swimming pool water treatment shall be housed in a lighted and ventilated room which affords protection from the weather and prevents unauthorized access.

2) The equipment room floor shall slope toward drains and shall have a slip-resistant finish.

3) A hose bibb shall be installed in the equipment room.

4) Suitable space, if not provided in the equipment room, shall be provided within the premises for storage of chemicals, tools, equipment, supplies and records and shall be weatherproof and protected from unauthorized access.

5) Electrical receptacles in the equipment room shall have ground-fault circuit interrupter protection.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

u) Wave Pools. Wave pools shall comply with the following, and, except as specified below, with the requirements of this Section and Sections 820.210 and 820.220 of this Part:

1) Overflow gutters, skimmers, and inlets are not required along the deep end wall from which waves are generated.

2) Wave generating equipment must be installed and shall be provided with an emergency shut-off located at lifeguard chairs or stations on each side of the deep end of the pool.

3) A deck as specified in subsection (j) of this Section is required, except at the end of the pool where wave-generating equipment is located. Railings or other barriers may be installed on the deck adjacent to the sidewalls of the pool to control entry into the pool from the sides.

4) A safety rope will not be required if the pool is to be used only as a wave pool.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.210 Swimming Pool Water Treatment System

EMERGENCY

a) General.

1) A water treatment system, consisting of pumps, piping, filters, water conditioning, disinfection equipment and other accessory equipment shall be provided to clarify, chemically balance and disinfect the swimming pool water. The system shall be designed for a recirculation flow rate that will result in a turnover period in each pool not exceeding those specified below. Systems serving pools with skimmers shall be designed for a flow rate of at least 30 gallons per minute for each skimmer.

<table>
<thead>
<tr>
<th>Type of Pool</th>
<th>Maximum Turnover Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diving Pools</td>
<td>8 Hours</td>
</tr>
<tr>
<td>Wading Pools, Wading Areas</td>
<td>2 Hours</td>
</tr>
<tr>
<td>Plunge Pools and Plunge Areas</td>
<td>2 Hours</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

for Water Slides

Lazy Rivers  6 Hours
Spas  ½ Hour
Other Pools  6 Hours

2) Other than equipment for circulating, heating, filtering and chemically treating water, as specified in this Section, or for automation of water quality control, no other type of device may be utilized as part of a pool water treatment system.

3) There shall be no connection or mixing of water between a wading pool and another pool. There shall be no connection or mixing of water between a spa and a swimming pool.

b) Pumping Equipment

1) The recirculation pump shall deliver the flow necessary to obtain a turnover as specified in subsection (a) of this Section. A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.

2) The pump shall provide a minimum backwash rate of 15 gallons per minute per square foot of filter area in sand filter systems. The pump shall supply the required recirculation rate at a total dynamic head of at least 50 feet for all vacuum filters, 70 feet for pressure sand or cartridge filters, or 80 feet for pressure diatomaceous earth filters, unless a lower head is shown by the designer to be hydraulically appropriate.

3) If the pump operates with static suction lift, it shall be self-priming.

4) Where vacuum filters are used, a vacuum limit switch shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of mercury.

5) A compound vacuum-pressure gauge shall be installed on the pump suction line as close to the pump as possible. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump, with no valves between the pump and the gauge. Gauges shall be installed where they can be easily read.
Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The strainer basket shall be easily removable. Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection.

c) Water Heater. A water heater shall be installed at all indoor pools. Pool water heaters shall be installed in accordance with the manufacturer’s recommendations.

1) The heater piping system shall be equipped with a valved bypass pipe around the heater, sized for the swimming pool design flow rate. The influent and effluent heater piping shall be valved, and shall conform to material specifications as approved for water distribution applications in the Illinois Plumbing Code.

2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.

3) Thermometers shall be provided in the piping to check the temperature of the water returning from the pool and the temperature of the blended water returning to the pool.

4) The design of the water heating system shall prevent the introduction of water in excess of 115 °F. to the pool.

5) A pressure relief valve with a maximum pressure rating of 75 pounds per square inch and having a thermal capacity at least equal to the heat input rating of the heater shall be provided, with the discharge piped to within six inches of the floor.

6) Venting of gas or other fuel burning water heaters to the outdoors shall be provided.

7) Heaters for indoor pools shall be capable of maintaining a minimum pool water temperature of 76°F.

8) Combustion and ventilation air shall be provided for fuel burning water heaters as required by the heater manufacturer.
9) Heaters for indoor swimming pools shall be sized on a basis of 150 BTU per hour input per square foot of pool water surface area.

(1 kilowatt = 3,412 BTU/hr.)

10) Heat exchangers used to heat pool water by use of a toxic transfer fluid, as defined in Section 890.1220(a)(4) of the Illinois Plumbing Code, shall be of double-wall construction, with the space between the two walls having a drain open to the atmosphere.

d) Flowmeter. Flowmeters shall be located so that the rate of recirculation and the backwash rate of sand filters can be read. In a multiple pool system, flowmeters shall be provided for each pool. Separate flowmeters shall be provided to monitor the flow for each area of a pool with a turnover rate that differs from adjacent areas according to subsection (b)(1). Flowmeters shall be provided on inlet supply piping in accordance with subsection (f)(2)(E). Flowmeters shall be installed on a straight length of pipe with no valves, elbows or other sources of turbulence within 10 pipe diameters upstream or five diameters downstream from the flowmeter. (See Appendix A, Illustration G.)

e) Vacuum Cleaning System

1) A vacuum cleaning system capable of reaching all parts of the pool floor shall be provided.

2) When the vacuum cleaning system is an integral part of the pool recirculation system, the wall fitting shall connect to the suction side of the pump ahead of the hair and lint strainer. Vacuum outlets in pools shall be equipped with covers that automatically close and latch when the vacuum hose is removed.

f) Piping, Skimmer and Overflow Systems

1) Piping.

A) The pool recirculation piping shall comply with the Illinois Plumbing Code for water service pipe or water distribution pipe as listed in 77 Ill. Adm. Code 890.Appendix A, Table A.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

B) The piping shall be designed to carry the required flow at velocities not exceeding five feet per second in suction piping, and 10 feet per second in pressure piping, unless greater velocities can be hydraulically provided. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the head available during normal operating conditions.

C) The following waste lines shall be provided with six inch air gaps at their points of discharge to the waste sump or sewer:

i) Main drain bypass or other connections to waste.

ii) Sub-surface drains or deck drains around a pool that discharge to a sanitary or combined sewer.

iii) Filter backwash or drain lines and overflow lines.

iv) Surge tank drain and overflow lines.

v) Pump discharge to waste lines.

vi) Gutter bypass to waste lines.

D) Piping that will allow a wading pool or spa to be readily and completely drained through the main drain shall be provided.

2) Inlets.

A) Inlets for filtered water shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and to produce surface flow patterns that effectively assist skimming. In pools with skimmers, inlets installed where the water depth is 18 inches or more shall be installed in the pool wall at a depth of eight inches to 16 inches below the midpoint on level of the skimmer throat. Each inlet installed in a wall of a pool where skimmers are utilized shall be directional. A minimum of 2 inlets shall be provided for any pool.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

B) The velocity of flow through any inlet orifice shall be in the range of 5 to 20 feet per second, except in pools equipped with skimmers it shall be in the range of 10 to 20 feet per second through wall inlets. Velocities for various flows are shown in Appendix B, Table C.

C) Inlets installed in pool walls shall be spaced as follows:

i) In the shallow end wall, each inlet shall serve a linear distance of no more than eight feet. In the deep end wall, each inlet shall serve a linear distance of not more than 15 feet.

ii) In pools with a water surface area greater than 1,500 square feet or length in excess of 60 feet, additional inlets shall be provided along side walls at no more than 15 foot intervals.

iii) The location of inlets in pools with skimmers may vary from the above requirements to allow locations that will assist in skimming.

D) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

E) Where floor inlets are used, inlets shall be uniformly spaced at a distance of no greater than 20 feet apart and rows of inlets shall be within 15 feet of each side wall. Floor inlets shall be flush with the pool floor and shall include a diffuser plate to evenly distribute the flow in all directions.

F) Floor inlets are required in wading areas that are more than 30 feet in width.

G) If both wall and floor inlets are utilized in a swimming pool, the wall inlets and the floor inlets shall be supplied by separate piping, with valves and flowmeters installed in each pipe so that the flow can be individually regulated and monitored.

3) Outlets.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

A) All pools shall be provided with a main drain at the deepest point. The main drain shall be connected to the recirculation system. Openings must be covered by grating which cannot be removed by bathers without the use of tools. Openings of the grating shall be at least four times the area of the main drain pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second, or six feet per second when drain grate is of the anti-vortex type. The maximum width of grate openings shall be one-half inch. Main drains and all other suction outlets installed in a pool shall be designed to prevent bather entrapment by one of the following methods:

i) Multiple drains located at least three feet apart, center to center;

ii) One anti-vortex drain;

iii) A single drain with a grate of at least 18 inches by 18 inches.

A) Each pool shall be provided with a main drain system installed at the deepest point, which shall be connected to the pool recirculation system. For multiple-purpose pools with a floor consisting of more than 1 drainage area, at least one drain shall be provided in each basin, so that each portion of the pool floor is sloped to a main drain.

B) Each outlet, including main drains and suction outlets, but not including skimmers, shall be covered with a grate or safety cover having openings not exceeding one-half inch, and that is not removable without the use of tools. Grates shall be at least 12 inches square in size, or shall measure at least 24 inches diagonally. The flow through safety covers shall not exceed the maximum flow rate recommended by the manufacturer. Grates shall have sufficient open area so that the velocity through the grate does not exceed 1 ½ feet per second.

C) Suction outlets shall be recessed into the pool wall or floor and
shall include a cavity that extends beneath all openings in the cover or grate. The clearance between the entrance to the suction pipe and the grate or cover shall be at least equal to the diameter of the suction pipe.

D) Suction outlets shall be equipped with a grate with a diagonal dimension of at least 24 inches, or the suction system shall include a minimum of two hydraulically balanced outlets spaced at least 3 feet apart, center-to-center. In a spa, the two outlets may be installed closer than 3 feet apart if installed on different surfaces, e.g., one outlet in the floor and one in a wall.

E) Outlet systems required to have multiple outlets shall comply with the velocity or flow restrictions in subsection (f)(3)(B) with one outlet completely blocked.

F) Suction outlets located at a water depth of 4 feet or less shall be protected by an approved safety vent pipe, or by a safety vacuum release device. This requirement does not apply to outlet systems comprising multiple grates, each having a diagonal measurement of at least 24 inches.

i) A safety vent pipe shall introduce air into the suction pipe if the water level in the vent pipe drops to a level of no more than five feet below the water level in the pool, but shall not introduce air into the suction piping when there is no obstruction of a suction outlet or in suction piping. The diameter of the vent pipe shall be at least one-half the diameter of the suction pipe. The top of the vent pipe shall be open to the atmosphere, and shall not be accessible to the public. The opening shall be protected against entry of dirt, rodents, birds, leaves, and other objects.

ii) A safety vacuum release device shall be installed in accordance with the manufacturer’s specifications.

G) The requirements of subsection (f)(3)(D) and (F) above shall not apply if the outlet system piping is connected to an open or vented tank, is not directly connected to a pump suction pipe, and the lowest operating water level in the tank is no more than 5 feet
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

lower than the pool water level.

H) An outlet shall not be installed in a pool stair or seat.

BI) Multiple outlets shall be provided where the width of the pool is more than 45 feet. In such cases, outlets shall be spaced not less than three feet apart, nor more than 30 feet apart, nor more than 15 feet from side walls and shall be connected in parallel.

CJ) A hydrostatic relief valve shall be provided for in-ground pools.

DK) Main drain piping shall be sized for removal of the water through it at a rate of at least 100% of the design recirculation flow rate. The piping system shall be valved to permit adjustment of flow through it.

EL) In cases where the pool cannot be drained completely through the main drain, a portable pump which will effect complete pool drainage shall be provided.

4) Perimeter Overflow Systems.

A) Pools which have a width exceeding 30 feet shall have a continuous perimeter overflow system.

B) A perimeter overflow system shall:

   i) extend completely around the pool except that interruptions not exceeding 25% of the pool perimeter nor 30 feet each may be allowed for steps, water slide entries, and side walls adjacent to zero-depth edges. A perimeter overflow system for a lazy river shall have a total length of at least one-sixth of the outer perimeter, and shall be installed at locations where the flow of water will direct surface debris toward the overflow system.

   ii) permit inspection, cleaning, and repair;

   iii) be designed so that no ponding or retention of water occurs;
iv) be designed to prevent the entrapment of bather's arms, legs, and feet;

v) except at a zero-depth edge, have an overflow lip that provides a good handhold and is level to within one eighth of an inch. At a zero-depth edge, a trench drain covered with a slip-resistant grating installed flush with the pool deck and with the pool floor, and level to within one-eighth inch measured along the pool perimeter, shall be provided;

vi) provide for the removal of all surface debris skimmed from the pool;

vii) be designed for removal of water from the pool surface at a rate of at least 100% of the design turnover flow rate;

viii) discharge to the recirculation system;

ix) be provided with drains and piping which will not allow the overflow channel to become flooded when the pool is in use; and

x) have drain gratings with open area at least equal to two times the area of the outlet pipe and which can be removed for cleaning.

C) Surge Capacity. Perimeter overflow systems shall be provided with a surge capacity of at least 0.6 gallon per square foot of pool water surface area. Surge capacity shall be provided either in a vacuum filter tank, in the perimeter overflow system, in the pool in conjunction with provision of surge weirs in the perimeter overflow system, in a surge tank, or combination thereof. Valving shall be provided to maintain the proper operating water level in the pool.

Surge weirs shall pass at least 50 percent of the design recirculation flow rate with the water level at the mid-level of the
weir. A minimum of one weir shall be provided for each 500 square feet of pool water surface area or fraction thereof. The combined flow rate through all the surge weirs shall not exceed the design recirculation flow rate. Surge weirs shall be uniformly spaced around the pool perimeter. The mid-level of the weir opening shall be at least one inch but no more than two inches below the overflow lip of the perimeter overflow system. A flow-regulating device that will maintain a relatively constant flow rate as the water level is varied shall be included. Surge weirs shall not be utilized at a zero-depth pool.

5) Skimmers. Skimmers are permitted on pools where the width does not exceed 30 feet. Where skimmers are provided, the following shall be met:

A) At least one skimmer shall be provided for each 500 square feet of water surface area or fraction thereof;

B) Skimmers shall be located to optimize skimming;

C) Each skimmer and piping shall be designed so that it is capable of providing a flow-through rate of not less than 30 gallons per minute;

D) Skimmers shall be piped to provide approximately equal flow through each skimmer;

E) The surface skimmer piping shall have a valve to permit adjustment of flow through it;

F) Each skimmer shall be provided with an equalizer line at least 1½ inches in diameter, located at least 1 foot below the lowest overflow level of the skimmer. (See Appendix A, Illustration H) If an equalizer pipe is installed, the skimmer shall be equipped with a device that will restrict flow through the equalizer pipe during normal operation of the skimmer; a grate shall be installed at the intake to the equalizer pipe in the pool. The grate shall be a convex grate intended for this purpose or one that complies with subsection (f)(3); If the skimmer is equipped with a device designed to prevent entrainment of air in
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

the skimmer suction piping by providing a direct suction connection between the pump and the skimmer equalizer piping, the equalizer line shall terminate in the pool in a suction outlet equipped with a safety cover, or shall be connected to the pool main drain pipe.

G) The skimmer shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency;

H) Skimming devices shall be built into the pool wall;

I) A basket which can be removed without the use of tools and through which all overflow water must pass, shall be provided;

J) The skimmer shall be provided with a floating weir and shall operate at variations in water level over a range of at least 4 inches.

g) Make-up Water. Make-up water shall be added through a fixed air gap of at least six inches to the pool, surge tank, vacuum filter tank, or other receptacle. When make-up water is added directly to the pool, the fill-spout shall be located under a low diving board or immediately adjacent to a ladder rail, grab rail, or fixed lifeguard chair.

There shall be no connection between a therapy pool or associated water treatment system with a swimming pool or its recirculation system.

h) Filtration

1) Filters shall be certified to comply with NSF Standard 50 and listed as such by an approved certification agency. The design filtration rate in the particular application in which the filter is utilized shall not exceed the maximum design filtration rate for which the filter was certified. An official certification label from the certifying agency shall be permanently affixed to the filter.

2) Pressure gauges that indicate the inlet and outlet pressures of pressure filters shall be installed.

3) For pressure filters, an observable free fall discharge, sight glass or other
means of determining the clarity of backwash water shall be provided.

4) Overflow piping shall be connected to vacuum filters if the rim of the filter tank is below the pool water level. Drain piping for vacuum filter tanks shall be provided.

5) The backwash rate for sand filters shall be at least 15 gallons per minute per square foot of filter area. A lesser backwash rate may be allowed when air scouring is utilized in accordance with the filter manufacturer’s specifications.

6) A filter backwash disposal facility, designed so that flooding, overflowing or excessive splashing does not occur when the filter is backwashed at the required flow rate, shall be provided where filters designed to be backwashed are utilized.

7) A filter precoat pot or funnel shall be installed on the pump suction piping when diatomaceous earth filters are utilized, unless a precoat pot is provided as an integral part of the filter. The filter piping shall allow recycling or disposal of filter effluent during the precoating operation.

8) If continuous feeding of diatomaceous earth is utilized with a vacuum diatomaceous filter in order to permit a design filtration rate higher than would otherwise be allowable, equipment capable of feeding diatomaceous earth at a rate of at least 1.5 ounces per day per square foot of filter area shall be provided.

9) Filter media for sand filters shall be as specified by the filter manufacturer.

10) Wash or backwash water from diatomaceous earth filters shall be passed through a separation tank designed for removal of suspended diatomaceous earth and solids, prior to disposal.

i) Chemical Feeders

1) Equipment Capacity.

   A) Chlorine. Equipment for supplying chlorine or chlorine compounds shall be of sufficient capacity to feed chlorine at a rate
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

of eight parts per million for outdoor pools and three parts per million for indoor pools, based on the flow rate required by the table in subsection (a). Feed rates for various chlorinators and solutions are shown in Appendix B, Table D.

B) Bromine. Equipment for supplying bromine shall be capable of delivering at least 15 parts per million for outdoor pools and five parts per million for indoor pools based on a minimum design flow rate as required by the table in subsection (a).

C) Ozone.

i) Ozone may be used as a supplement to chlorination or bromination as required in subsection(i)(1). Ozone generating equipment and its components shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.

ii) The ambient air ozone concentration shall be less than 0.10 part per million (p.p.m.) in the vicinity of the ozonator and at the pool water surface. Ambient ozone monitors shall be installed in the equipment room, in the vicinity of the ozone generating equipment, and, when the ozonation system is utilized at an indoor swimming pool facility, in the swimming pool enclosure. Audible and visual alarms that are activated by ozone concentrations in excess of .10 parts per million shall be connected to the ozone monitor. The ozone generating equipment shall automatically shut off when the ozone concentration in the air exceeds 0.30 p.p.m. or when the pool recirculation flow is interrupted.

iii) All corona discharge systems shall include a method for removing ozone in the water in excess of 0.1 p.p.m. prior to return to the pool.

2) Positive Displacement Pumps (Hypochlorinators). Where positive displacement pumps are used to inject the disinfectant solution into the recirculation line, they shall be of variable flow type, be of sufficient capacity to feed the amount of disinfectant required by subsection (i)(1),
and shall be installed such that feeding of chemicals is interrupted whenever the swimming pool recirculation flow is interrupted. Positive displacement pumps for feeding chlorine compounds or chemicals for control of pH shall be certified by a certified laboratory to conform to NSF Standard 50. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed five percent by weight. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in Subsection (i)(1).

3) Gas Chlorinators.

A) The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room with an out-swinging door. The room shall be provided with an exhaust system which takes its suction not more than eight inches from the floor and discharges outdoors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The intake to the make-up air supply shall be located where the discharge from the exhaust system will not be drawn back into the room. The room shall have a window with an area of at least 100 sq. inches and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided.

B) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than swimming pool recirculated water is used, the supply line shall be equipped with an electric shutoff valve wired to the recirculation pump and shall be equipped with a suitable backflow preventer. (See Appendix A, Illustrations L and N for methods of installation.)

C) Chlorinator vent lines shall terminate outdoors. A screen made from a chlorine-resistant material shall be installed where the vent
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

line terminates outdoors in order to exclude insects.

D) The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.

4) **pH Control Feeders.** At swimming pools with a volume greater than 100,000 gallons, at spas, or at pools utilizing gas chlorine as a disinfectant, a chemical feed system shall be installed to maintain the pH of pool water within the range of 7.2 to 7.6. **Positive displacement pumps utilized for feeding a chemical for the control of pH shall be certified for conformance to NSF Standard 50 by an approved certification agency.** The system must be installed so that the feeding of the pH controlling chemical is automatically interrupted whenever the swimming pool recirculation flow is interrupted. A solution tank of at least 15 gallons capacity shall be provided and shall be marked as containing a chemical to control pH. Alternatively, a system incorporating a cylinder of carbon dioxide and injecting mechanism may be employed to lower pH.

5) **Erosion Type (Flow-Through) Chemical Feeders.**

A) Erosion type chlorine and bromine feeders shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.

B) Only the chemical specified by the feeder manufacturer shall be used as the disinfecting agent.

C) Erosion type chemical feeders shall be installed in accordance with the equipment manufacturer’s instructions.

6) **Copper/Silver and Copper Ion Generators.** All copper/silver and copper ion generators shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency and may only be used as a supplement to chlorination or bromination as required in subsection (i)(1).
(Source: Emergency amendment at 27 Ill. Reg. 4223 effective February 15, 2003, for a maximum of 150 days)

Section 820.220  **Swimming Pool** Bather Preparation Facilities

**EMERGENCY**

a) General. Bather preparation facilities shall be provided in accordance with subsections (b), (c) and (d) of this Section except where the pool is intended to serve living units (such as hotels, motels, apartments, condominiums, dormitories, subdivisions, and resident institutions) where each living unit contains at least one toilet and one shower and is within 500 feet of the pool entrance.

b) Design Requirements

1) Bather preparation facilities to be used by both sexes shall be divided into separate areas designated for each sex.

2) Floors of bather preparation facilities, including showers, restrooms, dressing and locker rooms, and connecting walkways, shall be slip-resistant, impervious to moisture, and sloped to drain at least one inch in 10 feet. Material used for floor covering in these areas shall comply with Section 820.200(j)(4), except that alternative floor coverings may be installed in locker or dressing areas with prior approval of the Department, if the Department determines that the installation is unlikely to result in a condition detrimental to public health. In considering approval of an installation of an alternative product, the Department shall consider factors such as:

A) Whether the product is likely to become or to remain wet, considering separation distance between locations where the floor covering product would be installed and wet areas, such as toilet and shower facilities, and anticipated usage of the facility.

B) Properties of the product, including factors affecting rate of drying, propensity of the product to support microbial growth, and ease of cleaning and disinfecting.

If the Department determines that a condition detrimental to public
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

health results from the installation of an alternative product, or if there is failure to comply with the care and maintenance conditions specified with the approval, the Department may order removal of the alternative product.

3) The layout of bather preparation facilities serving pools with bather loads of greater than 200 shall be such that passage from the showers to the swimming pool shall not require passage through dressing room areas and other dry areas of the bathhouse.

4) The rooms shall be ventilated and lighted.

5) A hose bibb shall be provided in each side of the bather preparation facilities.

c) Showers, Toilets, and Lavatories. Showers and lavatories shall be provided with liquid or powdered soap dispensers. Showers shall be supplied with water at a temperature of at least 90° F and not more than 115° F with temperature controls which prevent scalding. The number of fixtures provided shall be as shown in Appendix B, Table E. As a minimum, at least one toilet, one shower, and one lavatory for each sex shall be provided. At a swimming pool used by school classes, one shower for every four persons in the largest class shall be provided for each sex, except that in no case shall the number be less than shown in Appendix B, Table E.

d) Dressing Rooms. For pools pool facilities with a bather load of more than 300, a dressing area shall be provided for each sex. Shower and toilet areas and walkways shall not be considered dressing areas.

e) Foot Spray. A foot spray, if provided, shall be supplied from the potable water system or the swimming pool recirculation system, have a spray head 18 to 24 inches above the walkway, have a conveniently located valve, be arranged to spray the bathers from knees to feet as they enter the enclosure, and have a drain.

f) Foot Bath. No new footbaths may be constructed or installed after May 20, 1999.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 820.230  Wading Pools Spas

EMERGENCY

a) Floor. The floor shall be slip-resistant and sloped to the main drain. The slope shall not exceed one vertical in 12 horizontal. No obstructions such as raised drains or steps on which children may fall or become injured, shall be placed in the wading pool area. Designed play items shall be of a design and so located to provide maximum safety to the children.

b) Material. The floor and walls shall be of light colored impervious materials. All corners shall be coved.

c) Walk Area. There shall be a walkway at least four feet wide extending entirely around the pool sloped to drain away from the pool. The walks shall be constructed of impervious material with a slip resistant finish. The walks shall slope not less than one inch in 10 feet away from the pool edge. A hose bibb shall be installed in the pool area.

d) Barrier. A fence or other effective barrier, at least 3 ½ feet in height, shall totally enclose wading pool and shall separate the wading pool from other pools. Except with regard to height, the barrier shall comply with Section 820.200 (a). Any entrance into the wading pool enclosure shall be equipped with a self-closing and self-latching door or gate.

e) Inlets. Inlets shall be provided as specified for swimming pools by Section 820.210(f)(2). At least two water inlets shall be installed.

f) Drains. A minimum of two main drains shall be provided at the low point, located at least three feet apart center to center and connected to the recirculation system. The drains shall be piped and valved so that water from the wading pool can be drained by bypassing the filter. Drains shall be provided with grates in compliance with Section 820.210 (f)(3)(A) and shall be flush with the pool floor.

g) Overflow System. A perimeter overflow system shall be provided along at least one-sixth of the perimeter or a skimmer shall be provided for each 500 square feet of water surface area or fraction thereof. The design of the overflow system shall conform to the requirements listed in Section 820.210, except that if a skimmer equalizer line is provided, it shall be connected to the main drain line.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

h) Water Treatment. Recirculation and filtration equipment shall be installed and operated at wading pools that cannot be adequately served by an adjacent swimming pool recirculation system or when existing equipment on adjacent swimming pool recirculation systems cannot meet the requirements of Section 820.210. A separate disinfection system shall be installed and operated for the wading pool. The design of water recirculation, filtration, and disinfection systems shall be in conformance with Section 820.210.

a) Except as specified in this Section, spas shall conform to requirements of Sections 820.200, 820.210, and 820.220.

b) The maximum water depth in a spa shall not exceed 4 feet.

c) The water depth above a seat or bench shall not exceed 28 inches. Seats at multiple levels may be provided.

d) A deck at least 4 feet in width that provides an unobstructed walkway of at least 42 inches shall extend around at least 50 percent of the spa perimeter. The deck shall extend to each entry/exit location of the spa.

e) Handholds shall be provided around the perimeter of a spa where the water depth is greater than 30 inches. Acceptable handholds shall include raised bullnose coping, rounded flanges or lips, or railings. A handhold shall have a slip-resistant surface and shall be located no higher than 12 inches above the water level.

f) At least one entry/exit location shall be provided and shall consist of stairs, a ladder, or recessed steps conforming to Section 820.200(k). Spas with an area of more than 150 square feet shall have at least one additional point of entry/exit, which may consist of a handrail located at a location where the spa rim is no more than 24 inches above a seat having a slip-resistant surface or the spa floor at this location. Seats and benches may be attached to stair steps. Where the bottom step is attached to and at the same level as a seat, the bottom riser may exceed 12 inches, but shall not exceed 14 inches.

g) A depth marking shall be installed on the spa deck at each entry location. The depth marking shall be readable when facing the spa. The marking shall contrast with the deck, and shall conform to requirements in Section 820.200(i).

h) Spas shall be provided with piping for complete drainage to waste through the main drain.
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

i) A spa shall be equipped with a system designed to automatically control the feeding of disinfectant (chlorine or bromine) and a chemical to control pH in order to maintain the disinfectant concentration and pH in the spa water at appropriate levels.

j) An air injection system, if provided, shall be designed to prevent water back-up into electrical equipment. The air intake for an air injection or air induction system shall be located or protected so as to prevent introduction of contaminants into the spa.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.240 Spray Pools

EMERGENCY

a) Material. Spray pools shall be constructed of impervious material that has a slip-resistant finish.

b) Slopes. The floor of a spray pool shall slope at least one inch in 10 feet and not more than one foot in 12 feet toward the drain. No obstructions other than designed play items shall be placed in the spray pool area.

c) Drains. The spray pool shall be equipped at its low point with an unvalved drain. The drain shall be of such size and design that water sprayed into the pool will not pond in the pool floor.

d) Water Supply. The water supply shall meet the requirements of Section 820.110, or be provided from the water treatment system from another pool. Alternatively, the water may be circulated from a tank or basin, with a water treatment system as required for a pool by Section 820.210 and designed to provide a turnover rate for the tank or basin of no more than two hours. Spray heads shall be installed so that they will not be submerged.

e) Hose Connection. A hose bibb shall be provided within 75 feet of the spray pool.

f) Walk Area. The spray pool shall be entirely surrounded by a walk constructed of impervious material which has a slip-resistant finish.

g) Barrier. A fence or other effective barrier, at least 3 ½ feet in height, shall totally enclose the spray pool, and shall separate the spray pool from other pools. Except
with regard to height, the barrier shall comply with the requirements of Section 820.200(a). Each entrance into the spray pool enclosure shall be equipped with a self-closing, self-latching door or gate.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.250 Slides

EMERGENCY

a) General Requirements

1) Structure. All slides shall be designed and constructed in accordance with the manufacturer’s instructions to carry the anticipated load. Plans for water slides shall be signed and sealed by a structural engineer licensed to practice in Illinois.

2) Steps. Slide steps shall be slip-resistant and have a minimum tread of two inches and a minimum length of 12 inches. The riser height of the steps shall not exceed 12 inches. Specific requirements that apply to water slides are included in subsection (b)(1) of this Section.

3) Plunge Pools. Plunge pools shall comply with Sections 820.200 and 820.210 except that, for a plunge pool for a water slide, a deck is not required where the slide exits into the pool.

b) Water Slides

1) Design and construction. All curves, turns, and tunnels on the path of a flume shall be designed and constructed in accordance with the manufacturer’s instructions.

2) Walkways. Walkways or stairs leading to the top of water slides shall be slip-resistant, rigid, and have a four foot minimum clear width.

3) Slide Position.

A) A flume shall be perpendicular to the pool wall for a distance of at least 10 feet from the exit end of the slide. The last 10 feet of the
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

flume shall have a slope that is not steeper than one in 10.

B) A flume shall terminate between a depth of six inches below to two inches above the pool water surface level.

C) The plunge area water depth shall be between two and one-half and four feet at the end of the flume and for at least ten feet beyond. The pool floor slope in the plunge area shall not exceed one foot vertical in 12 feet horizontal.

4) Surge Reservoir. A surge storage reservoir shall be provided except where the pool water elevation will not be lowered more than one inch when the water slide pumps are in operation. The surge reservoir shall not be accessible to the public.

5) Plunge Area. There shall be a slide plunge area extending at least five feet on either side of the centerline of the slide terminus and 25 feet in front of the slide. The plunge area shall be either a plunge pool or a specially designated area of a swimming pool or a bathing beach. This area shall not infringe on the plunge area for any other slides or diving equipment. Steps shall not infringe on this area. A water slide plunge area in a swimming pool or bathing beach shall be roped off from the rest of the pool or beach when the slide is in operation. A means of egress shall be provided near the side of in the plunge area opposite away from the flume terminus and located so that persons exiting the plunge area are not required to pass in front of or near the flume terminus.

6) Grates. The intake openings for water pumped from the pool or a beach must be covered by grating that can not be removed without the use of tools. The grate openings shall be at least four times the area of the intake pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second. The maximum width of the grate openings shall be one-half inch. Drains Pump suction intakes at beaches shall be designed to prevent bather entrapment as specified in Section 820.210(f)(3)(A) or located or protected so as to be inaccessible to bathers.

c) Drop Slides
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Slide Position. There shall be a slide landing area extending at least five feet on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides or diving equipment. Steps shall not infringe on this area.

2) Water Depth. The water depth directly below the slide discharge point and for a distance of 12 feet beyond shall comply with the following requirements:

<table>
<thead>
<tr>
<th>Slide Platform Height above Water Level in Feet</th>
<th>Minimum Water Depth in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5 to 5</td>
<td>8</td>
</tr>
<tr>
<td>5 to 10</td>
<td>10</td>
</tr>
<tr>
<td>10 to 12</td>
<td>12</td>
</tr>
</tbody>
</table>

3) Platform Height. The drop slide platform shall not exceed 12 feet in height, measured above the water level in the plunge area.

d) Other Slides

1) There shall be a slide plunge area extending at least three feet six inches on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides, water slides, drop slides, or diving equipment.

2) Unless the slide is designed by the manufacturer for safe exits at lesser water depths, the water depth and slide exit height above the water shall be in accordance with the following table. The exit height shall not exceed 48 inches above the water surface.

<table>
<thead>
<tr>
<th>Exit Height Above Waterline, Inches</th>
<th>Minimum Water Depth, Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 6</td>
<td>2.0</td>
</tr>
<tr>
<td>6 to 12</td>
<td>2.5</td>
</tr>
<tr>
<td>12 to 18</td>
<td>3.5</td>
</tr>
<tr>
<td>18 to 24</td>
<td>5.0</td>
</tr>
<tr>
<td>24 to 30</td>
<td>6.0</td>
</tr>
<tr>
<td>30 to 42</td>
<td>8.0</td>
</tr>
</tbody>
</table>
3) Slides shall be positioned so that any water flowing off the end of the slide terminus drops into the pool.

4) Handrails. Slides shall be equipped with handrails to aid the slider in safely making the transition from the ladder to the runway. Handrails shall begin at a point no more than four feet above the pool deck.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.270 Lazy Rivers

a) Lazy rivers shall be provided with a water treatment system in accordance with Section 820.210. A system for effectively skimming the pool surface and uniformly distributing filtered water shall be provided.

b) Lazy rivers shall be provided with at least one means of egress conforming to Section 820.200(k).

c) Inlets shall be installed at intervals not exceeding 15 feet along the lazy river.

d) The maximum water depth in a lazy river shall be plainly posted at each entry location.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

SUBPART D: OPERATIONAL REQUIREMENTS

Section 820.290 Applicability of Operation Requirements

Pools and water slides. Swimming pools and other pools associated with or provided as an appurtenance to a swimming pool shall be operated in accordance with this Subpart D.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 820.300 Personnel

EMERGENCY

a) Manager/Operator. A pool manager/operator shall be designated and shall be responsible for the operation of the swimming pool facility in compliance with this Subpart.

b) Lifeguards. Lifeguards shall be provided as specified below at all wave pools and water slides. In addition, lifeguards shall be provided at all pools, as defined in Section 820.10, when persons under the age of 16 are allowed in the pool enclosure specified in Section 820.200(a) without supervision by a parent, guardian or other responsible person at least 16 years of age. At facilities where lifeguards are not provided, a sign shall be posted that states: This facility is not protected by lifeguards. Persons under the age of 16 must be accompanied by a parent, guardian or other responsible person at least 16 years of age. Swimming alone is not recommended.”

1) Certification. Lifeguards shall be currently certified as such by the American Red Cross, the National Pool and Water Park Lifeguard Training Program, the YMCA, or another lifeguard certifying organization with an equivalent lifeguard certification program, as determined by the Department. Where the certification was issued with restrictions, the certification shall be appropriate for the duty to which the lifeguard is assigned.

2) Authority. Lifeguards shall have the authority to order any person who does not comply with the rules of the Department or those of the facility to leave the pool.

3) Identification. Lifeguards shall be dressed in swimming attire and be identified as a lifeguard. A copy of each lifeguard’s certificate must be available for inspection at the facility.

4) Minimum number. At facilities where lifeguards are required, the following minimum number shall be on duty:

A) One lifeguard per 100 bathers or 2,000 square feet of water surface area, whichever will result in the lesser number. All areas of a pool must be visible to a lifeguard. At wave pools, in addition to
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

satisfying the criteria of this subsection (b)(4)(A), the number of lifeguards shall not be less than three. A lifeguard shall not simultaneously guard more than one pool unless the areas under surveillance can be continuously monitored with a clear unobstructed view and immediate assistance can be rendered if needed.

B) At water slides or drop slides, one lifeguard within 50 feet of the discharge point of the slide. Such lifeguards shall be responsible for guarding the plunge area for the slide and no other areas and shall be in voice or visual communication with the attendant or lifeguard at the top of the slide in order to facilitate safe use of the slide. One lifeguard may monitor up to three slides and no other areas if they are adjacent and discharge to the same plunge areas.

5) Lifeguards shall not be subject to duties that would distract their attention from proper observation of persons in the pool area, or that would prevent immediate assistance to persons in distress in the water.

c) Attendants

1) At least one attendant or lifeguard shall be on duty at the top of all water slides and drop slides when the slide is in operation in order to control the traffic of individuals using the slide. Attendants shall ensure that the slide is used in a safe and responsible manner. For multiple slides having a common starting platform, an attendant shall not be assigned to monitor more than two slides concurrently.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.310 Safety Equipment

EMERGENCY

The following safety equipment shall be readily available for emergency use at all times when the swimming pool facility is open for use:

a) Rescue Equipment. The following rescue equipment shall be provided and
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

conspicuously displayed at swimming pools having a water depth in excess of 30 inches except when certified lifeguards are provided and each lifeguard is equipped with a rescue device approved by the lifeguard certifying organization.

1) A U.S. Coast Guard approved ring buoy with an attached throw rope with a length at least equal to the maximum width of the swimming pool or 50 feet, whichever is less. One such buoy shall be provided for every 2000 square feet of water surface or fraction thereof.

2) A life hook or shepherd’s crook at least 12 feet in length.

b) First Aid Kit. One or more first aid kits shall be kept filled with contents as required in Appendix B, Table B. Items which have a shelf life shall be kept current.

c) Emergency Telephone and Emergency Contact List. A telephone shall be accessible in the vicinity of the swimming pool facility, in or within 300 feet of the pool enclosure. At a multi-level facility, the emergency telephone shall be located within three levels of the level on which the swimming pool facility is located. The telephone numbers of the local police, State Police, fire department, physician, ambulance service, and a hospital, or 911 where applicable, shall be posted in a conspicuous place near the telephone. The name, address and telephone number of the swimming pool facility shall be listed by the telephone. The location of the emergency telephone shall be posted in the swimming pool area facility unless the telephone is located in the pool area.

d) Lifeguard Stations. Lifeguard stations, shall be located so as to provide a clear unobstructed view of the pool area under surveillance.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

820.315 Notification

EMERGENCY

All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours, and the Department’s "Drowning and Injury Report" form shall be completed and submitted within seven days. This form contains instructions for contacting the Department.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.320 Water Quality

EMERGENCY

a) Testing Equipment

1) Water testing equipment for determining pH and disinfectant level of pool water shall be provided. The equipment for determining pH shall include at least five color standards with a range of pH 6.8 to 8.0, as a minimum.

2) Where chlorine is used as a disinfectant, a DPD-type test kit shall be provided that includes at least four chlorine color standards with a range of 0.5 to 5.0 p.p.m., as a minimum.

3) Where bromine is used as a disinfectant, a colorimetric test kit shall be provided that will determine free bromine residual and pH. The test kit shall include at least five bromine standards covering a range of 1.0 to 5.0 p.p.m.

4) Pools using chlorinated cyanurates for disinfection, shall have a test kit to measure the cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 p.p.m.

5) Where silver/copper or copper ion generators are used, a test kit to determine the concentration of copper shall be provided.

b) Disinfectant Residual.

1) Where chlorine is used as a disinfectant, the chlorine residual shall be maintained between 1.0 and 4.0 p.p.m. as free chlorine residual. A free chlorine residual of at least 2.0 p.p.m. shall be maintained when the pool water temperature exceeds 85°F.

2) Where bromine is used as a disinfectant, a bromine residual shall be maintained between 2.0 and 8.0 p.p.m. as total bromine. A bromine residual of at least 4.0 p.p.m. shall be maintained when the pool water temperature exceeds 85°F.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

temperature exceeds 85 F.

3) Where chlorinated cyanurates are used, the cyanuric acid concentration shall not exceed 100 p.p.m.

4) When combined chlorine in excess of 0.5 p.p.m. is detected, the pool shall be superchlorinated to attain a free chlorine concentration of at least 10 times the combined chlorine concentration, or oxidized by other means to eliminate the combined chlorine.

5) Where silver/copper or copper ion generators are used, the concentration of copper shall not exceed 1.3 p.p.m. and the concentration of silver shall not exceed 0.05 p.p.m.

6) Where ozone is used, the ambient air ozone concentration shall be less than 0.1 p.p.m. at all times either in the vicinity of the ozonator or at the pool water surface.

c) pH. The pH of the pool water shall be maintained between 7.2 and 7.6.

d) Turbidity. The pool water shall be sufficiently clear that the main drain grate and the entire pool floor is clearly visible from the pool deck.

e) Alkalinity. The alkalinity of the pool water shall not be less than 50 nor more than 200 parts per million p.p.m. as calcium carbonate.

f) Temperature.

1) The pool water temperature for indoor swimming pools shall not be less than 76 F. nor more than 92 F. With the exception of swimming pools used for therapeutic purposes, the water temperature in indoor swimming pools shall not exceed 92 F. The water temperature in swimming pools used for therapeutic purposes shall not exceed 96 F. The air temperature at an indoor pool shall be higher than the water temperature when the water temperature is 85 F. or less.

2) The water temperature in spas shall not exceed 104 F.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

maximum of 150 days)

Section 820.330         Swimming Pool Facility Closing
EMERGENCY

The manager/operator shall immediately close the swimming facility whenever any of the following conditions exists:

a) The manager/operator determines that conditions at a swimming pool facility or bathhouse bather preparation facility create an immediate danger to health or safety.

b) Bacteriological results show any of the following:
   1) Coliform concentration of 10 per 100 ml in two consecutive samples;
   2) Presence of fecal coliform, E. coli, beta hemolytic Streptococcus or Pseudomonas in any sample.

c) Turbidity exceeds the criteria outlined in Section 820.320(d), except when the excessive turbidity is caused by entrained air resulting from the action of an air injection or air induction system of a spa.

d) A disinfectant residual consisting of a minimum of 0.5 p.p.m. free chlorine or 1.0 p.p.m. total bromine is not present or the disinfection system is inoperable.

e) The total chlorine concentration exceeds 510 p.p.m. or the total bromine concentration exceeds 415 p.p.m.

f) When the recirculation pumps and/or the filters are inoperable.

g) When the pH of the pool water is less than 6.8 or greater than 8.0.

h) When a patron has defecated or vomited in the pool. When this occurs the manager/operator shall remove visible foreign matter and superchlorinate the affected area of the pool. The pool must remain closed for a minimum of 30 minutes following superchlorination, or longer if necessary for the disinfectant residual to return to prescribed levels. When an incident occurs in a pool with a
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

capacity greater than 50,000 gallons, the pool operator may elect to prohibit use of the affected area only in lieu of closing the pool.

i) When a suction or main drain grate is loose, improperly installed, damaged or missing.

j) When a written notice to close is issued by the Department, in which case the notice shall be posted by the owner, operator or licensee at the entrance to the pool area. The pool shall remain closed until the Department has authorized the reopening of the pool.

k) When lightning is sighted or thunder is heard at outdoor pool facilities (see Section 820.360).

l) When the temperature in a spa exceeds 106 F.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.340 Operation and Maintenance

EMERGENCY

a) Pool and Pool Area

1) The swimming pool shall be maintained free from sediment, lint, dirt and hair. Cracks and other defects in the pool shall be repaired. The walls, ceilings, floors, equipment and the pool proper shall be maintained so that they are protected from deterioration. All equipment shall be maintained in proper condition, with all required components in place. Equipment required to be NSF Standard 50 certified, including filters, skimmers and chemical feeding equipment, shall not be altered or modified in any way.

2) Pool decks shall be rinsed daily. Indoor pool decks shall be disinfected at least weekly. The walks, overflow gutters, counters, lockers, equipment, furniture, interior partitions and walls shall be kept in good repair, clean, and sanitary. No furniture, plants or other furnishings shall be placed within four feet of the pool. This area shall be kept free of obstructions such as chairs and baby strollers. The deck shall be kept free of tripping
hazards, such as deck surface irregularities, hoses, and maintenance equipment. The deck, walkways and floors shall be free of areas with poor drainage that retain water.

3) Floats or tubes not in use must be removed from the pool.

4) Starting Platforms. Starting blocks shall not be used for any other purpose than competitive swimming activities. Starting blocks shall be securely anchored when in use but removed or prohibited from use when not being used in conjunction with competitive swimming or training. The maximum height of the platform above the water shall be 30 inches where the water depth is 4 feet or greater and 20 inches when the water depth is less than 4 feet.

5) Safety ropes shall be kept in place except when the swimming pool is being used exclusively for lap swimming or competition.

6) Access to grass areas shall be prevented when bare areas develop, when the grass is not regularly maintained, when debris is allowed to accumulate, or an unsightly condition, offensive odor, or a muddy condition exists.

b) Perimeter Overflow and Skimmers. The perimeter overflow systems or automatic surface skimmers shall be clean and free of leaves or other debris which would restrict flow. The strainer baskets for skimmers shall be cleaned daily. Broken or missing skimmer weirs shall be replaced. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action which will remove all floating matter from the surface of the water. The pool water shall be maintained at an elevation such that effective surface skimming is accomplished. A higher water level may be maintained during official swimming competition. For pools with perimeter overflow systems, adequate surge storage capacity shall be maintained so that flooding of the perimeter overflow system does not occur during periods of peak usage. The flow returning from the pool shall be balanced or valved such that the majority of flow is returned through the perimeter overflow or skimmer system.

c) Inlet Fittings. Inlets shall be checked frequently so that the rate of flow through each inlet establishes a uniform distribution pattern. Inlets in pools with surface skimmers shall be adjusted as necessary to provide vigorous skimming.
d) Bather Preparation Facilities.

1) Floors shall be cleaned and disinfected daily.

2) Toilet rooms and fixtures shall be kept clean, free of dirt and debris and in good repair. Floors shall be maintained in a slip-resistant condition. Soap dispensers shall be filled and operable. A supply of toilet paper shall be provided at each toilet at all times.

e) Foot Baths. Foot baths shall be free of dirt, debris and other floating matter and shall be operated by continuously introducing fresh water and discharging used water to waste.

f) Security. Doors or gates in the swimming pool enclosure shall be kept closed and locked when the swimming pool is closed.

g) Bather Loads. The number of persons within a swimming pool enclosure shall not exceed the permissible bather load established by the Department, except that additional patrons may be allowed at other recreational features within the pool enclosure, such as sand play areas, turf sun-bathing areas and picnic areas, if additional toilet facilities are provided. However, the number of patrons in swimming pools, wading pools, or on the pool deck shall not exceed the bather load. The bather load shall be posted at the pool entrance or at a location where it can be seen by all patrons and shall be enforced by the manager/operator. A spa user capacity established by the Department for a spa shall be posted at the spa and shall be enforced by the spa manager/operator.

h) Electrical systems shall be maintained in accordance with the National Electrical Code. Ground-fault circuit interrupters shall be tested at least once per month when the pool is in operation. Defective ground-fault circuit interrupters shall be replaced. Records and results of such tests shall be kept at the facility for a period of at least 3 years.

i) Diving Equipment. Diving equipment shall be maintained in a safe condition, be securely anchored, and have a slip-resistant surface.

j) Vacuum Cleaners. Vacuum cleaning shall not be conducted when the pool is in use.
k) Operation of Mechanical Equipment.

1) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the pool. All valves and piping in the equipment room must be permanently identified as to use and direction of flow. A valve operating procedure must be provided in the equipment room for each operation (e.g., recirculation, filtration, backwashing, etc.).

2) Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the pool water recirculation system shall be kept in continuous operation 24 hours a day. A recirculation and filtration flow rate that will result in a turnover period as specified in Section 820.210 shall be maintained at all times, except for wading or plunge areas in swimming pools constructed prior to May 20, 1999, February 15, 2003, where such a flow rate cannot be attained without alteration of the recirculation system, in which case a recirculation flow rate that will result in a turnover period of no more than six hours shall be maintained in the wading or plunge area.

3) Recirculation Pumps. The pump shall not be throttled on the suction side during normal operation except for necessary regulation of flow through main drain piping. Recirculation pumps shall be kept in good repair and condition. The pump discharge or inlet supply line valve shall be adjusted as necessary to maintain the design flow rate.

4) Filtration.

A) The filtration flow rate shall not exceed the maximum filtration design flow rate specified by the filter manufacturer for public swimming pool usage in accordance with NSF Standard 50. Where this rate is not known or has not been determined, the flow rate shall not exceed 15 gallons per minute per square foot of filter area for high-rate sand filters, 3 gallons per minute per square foot for other sand filters, 1.5 gallons per minute per square foot for diatomaceous earth filters, or 0.375 gallons per minute per square foot for cartridge filters, except that a filtration flow rate of up to 2.0 gallons per minute per square foot may be allowed where
continuous feeding of diatomaceous earth is utilized with a diatomaceous earth filter in accordance with subsection (k)(3)(C)(iii).

B) Sand Filters.

i) The filter air release valve shall be opened as necessary to remove air which collects in the filter; and following each backwash.

ii) The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.

C) Diatomaceous Earth Filters.

i) The dosage of diatomaceous earth precoat shall be at least one and one-half ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Whenever the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Backwashing shall not be performed when the pool is in use.

ii) During the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced.

iii) When continuous diatomaceous earth feed is utilized so that a filter may be operated at a filtration rate higher than
would otherwise be allowable, it shall be applied at a rate of one-half to one and one-half ounces per square foot of surface area per day, or as needed to extend filter cycles.

D) Cartridge Filters. A clean extra set of filter cartridges shall be available at the pool.

5) Hair and Lint Strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened to avoid drawing air into the pump and losing the prime. In the case of diatomaceous earth filters, the hair strainer basket shall be cleaned immediately prior to precoating the filter.

6) Flowmeters. Flowmeters shall be maintained in an accurate operating condition and readable.

7) Vacuum and Pressure Gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.

8) Gas Chlorinators.

A) Gas chlorinators shall be repaired only by a person trained in servicing these units. The manager/operator shall post the telephone numbers of the appropriate emergency personnel to contact in the event of a chlorine gas emergency.

B) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. They shall be chained or strapped to a rigid support to prevent accidental tipping. Cylinders shall not be moved unless the protection cap is secured over the valve. A National Institute of Occupational Safety and Health (NIOSH) or Mine Safety and Health Administration (MSHA) approved gas mask, approved for use in a chlorine atmosphere, shall be kept outside the chlorine room in an unlocked container at all times. The gas mask cannister shall be replaced regularly as per the manufacturer's recommendations.

C) Chlorinators, gas lines, injectors, vent lines and cylinders shall be checked daily for leaks. In case of a chlorine leak, corrective
measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.

9) Positive Displacement Feeders.

A) Positive displacement feeders shall be periodically inspected and serviced.

B) When a chemical feeder is used with calcium hypochlorite solution, to minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used, and in no case shall this concentration exceed five percent (about 20 pounds of 65% chlorine powder in 50 gallons of water). If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit. After first thoroughly rinsing with water, a small amount of mild acid solution may be fed through the unit periodically, to dissolve sludge accumulations.

l) Chlorinated Cyanurates. The use of chlorinated cyanurates is subject to the following requirements:

1) Superchlorination shall be accomplished by using a chlorine product other than a cyanurate; and

2) When the cyanuric acid level exceeds the maximum permissible limit of 100 p.p.m., the pool water must be partially wasted and replenished with fresh water until the cyanuric acid concentration is less than 50 p.p.m.

m) pH Adjustment.

1) Soda ash or caustic soda may be used to raise the pool water pH.

2) Caustic soda shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, must be available for the handling and use of this chemical.

3) Sodium bisulfate, carbon dioxide gas or muriatic acid shall be used to lower pool water pH. Carbon dioxide cylinders shall be securely chained
or otherwise restrained in a manner that will prevent tipping.

4) Hydrochloric (muriatic) acid shall only be used in accordance with the manufacturer's instruction. Protective equipment and clothing, including rubber gloves and goggles, must be available for handling this chemical.

5) The Department shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.

n) Algae Control.

1) The development of algae shall be eliminated by superchlorinating to 10 p.p.m. and maintaining this level for several hours. The pool shall not be open for use during this treatment. If this fails to eliminate the algae, the Department shall be consulted for further advice.

2) Treated algae which cling to the floor and sides of the pool must be brushed loose, and removed by the suction cleaner and filtration system.

o) Miscellaneous Chemicals.

1) Chemicals shall be kept covered and stored in the original, labeled container, away from flammables and heat and in a clean, dry, well-ventilated place which prevents unauthorized access to the chemicals.

2) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions.

3) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed 10 p.p.m.

p) Acoustics. If noise is excessive, such that safety instructions cannot be heard, corrective action shall be taken.

q) Slides

1) Slide equipment shall be maintained in a safe condition and securely anchored.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

2) Only one rider at a time shall be allowed to enter a slide except when designed by the manufacturer for two or more riders.

3) For water slides and drop slides, when the plunge area is not visible from the top of the slide, a means of communication shall be provided between the attendant at the top and the lifeguard at the bottom.

4) At the entrance to water slides and drop slides, a sign shall be posted at the top of the slide warning all sliders not to proceed down the slide until instructed to do so by the slide attendant.

r) Spas shall be completely drained at intervals not to exceed two weeks.

s) If a pool cannot be completely drained through the main drain, a portable pump and accessories that can be used to completely drain the pool shall be provided.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.350 Operation Reports and Routine Sampling

EMERGENCY

a) Operation Reports. The pool manager/operator shall record swimming pool—or other pool operational data daily on a report form furnished by the Department, or equivalent that shall be kept at the facility for a minimum of three years for inspection by the Department. A separate report form shall be completed for each pool in a multiple pool complex.

b) Water Quality Testing. Disinfectant residual and pH tests shall be made on samples collected from the shallow and deep areas of each swimming pool, and from wading pools, plunge pools and other pools as necessary to ensure maintenance of water quality in accordance with Section 820.320, but at least twice daily. Disinfectant residual and pH tests shall be made on samples collected from opposite ends of pools having a water surface area in excess of 500 square feet. Where chlorine is used as a disinfectant, testing for combined chlorine shall be performed at least weekly. In addition, where chlorinated cyanurates are utilized as a chlorine disinfectant, testing for cyanuric acid concentration shall be performed at least weekly.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

c) Where ozone is utilized, testing to determine the ozone concentration immediately above the pool water surface shall be performed monthly.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.360 Patron Regulations

EMERGENCY

a) Rules and Instructions. Rules governing the use of the pool and instructions to patrons shall be displayed on placards provided by the Department, or equivalent, at the entrance to dressing rooms or the pool entrance and shall be enforced by the pool manager/operator. Such posting of rules and other instructions shall provide that:

1) Admission to the pool shall be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind shall also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the pool area.

2) The pool water is not suitable for drinking. Avoid swallowing pool water.

3) Littering is prohibited. In addition, no food, drink, gum or tobacco is allowed in other than specially designated and controlled sections of the pool area. Glass containers are prohibited.

4) All persons are encouraged to take a shower before entering the pool area.

5) Personal conduct within the pool facility must be such that the safety of self and others is not jeopardized. No running, boisterous or rough play, except supervised water sports, is permitted.

6) Only clean footwear, baby strollers, or wheelchairs are allowed in the pool area or bathhouse.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

7) Spitting, spouting of water, blowing the nose or otherwise introducing contaminants into the pool is not permitted.

8) Glass, soap, or other material which might create hazardous conditions or interfere with efficient operation of the swimming pool shall not be permitted in the swimming pool or on the pool deck.

9) All apparel worn in the pool shall be clean.

10) All children who are not toilet-trained shall wear tightly fitting rubber or plastic pants.

11) Diving in water less than five feet deep is not permitted except when allowed for competitive swimming and training.

12) Caution shall be exercised in the use of diving facilities.

13) Swimming is prohibited at outdoor swimming pools and spas is prohibited when thunder is heard or lightning is seen, including a 15-minute period after the last lightning or thunder is detected.

14) If present, lifeguards are responsible for enforcing safety rules and responding to emergencies. Parents or guardians should supervise their children.

15) No one should swim use the pool alone.

16) The pool management has the authority to implement and enforce rules that are more stringent or that supplement those listed here.

17) Patrons are encouraged to protect themselves from sun exposure at outdoor pools.

b) The following warnings shall be posted at a spa:

1) Elderly persons, pregnant women, persons using prescription medications, and persons suffering from heart disease, diabetes or high blood pressure should consult a physician before using the spa.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

2) Persons under the influence of alcohol or drugs shall not use the spa.

3) Persons should not use the spa alone.

4) Persons should not spend more than 15 minutes in the spa at any one session.

5) Children under the age of 16 years must be accompanied by a responsible person 16 years of age or older unless a lifeguard is present.

6) The posted spa user capacity shall not be exceeded.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

Section 820.380 Wading Pools, Spray Pools Areas and Therapy Pools

EMERGENCY


b) The spray pool area and associated deck areas shall be cleaned daily. Drains shall be kept clear. For spray pool areas that utilize recirculated water, the water shall be filtered and treated in accordance with Section 820.340, the water quality shall be maintained as specified by Section 820.320, and water quality testing shall be performed as specified by Section 820.350. The water in the tank or basin shall be recirculated through the filtration system with a turnover of no more than two hours.

c) Water in therapy pools located in a swimming pool enclosure shall be maintained so as to comply with disinfectant residual and pH standards in Section 820.320.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)

SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section 820.400 Minimum Sanitary Requirements for Bathing Beaches
EMERGENCY

a) Initial Sanitary Survey. Prior to the issuance of a construction permit, the Department shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical, chemical, and bacteriological characteristics of the bathing beach area, as well as any potential or actual sources of contamination in the watershed which could affect the beach. The presence of any such sources of contamination shall constitute grounds to deny the permit.

1) Physical Quality. The following characteristics shall not be present in the beach area or watershed:

   A) Sludge deposits, solid refuse, floating waste solids, oils, grease or scum.

   B) Hazardous substances being discharged into bathing beach water or watershed.

2) Bacteriological Quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:

   A) At least two samples shall be collected from the proposed beach area and additional samples shall be collected from any tributaries as they enter the lake. Fecal coliform bacteria counts of 200 colonies/100 ml or an E. coli density of 126 colonies/100 ml in one or more samples shall require additional investigation, survey, special analysis and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results must be obtained before a construction permit will be issued.

   B) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate watershed.

3) Chemical Quality. There shall be no discharges of chemical substances capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

b) Design

1) Bather Load. The bather load shall be established at all beaches constructed after May 28, 1997, by the registered engineer or architect who designed the project.

2) Beach and Swimming Areas. The wading areas at all beaches shall be separated from swimming and diving areas by lines securely anchored and buoyed. The slope of the bottom of any portion of the beach having a water depth of less than 5 feet shall not exceed 1 foot vertical for 10 feet horizontal. The slope shall be uniform. The bottom of the wading and swimming area shall consist of sand or gravel least five feet. If disinfection or filtration is provided, it must comply with the requirements in Section 820.210.

3) Diving Facilities

A) Where diving facilities are provided, the following minimum water depth must be maintained for a distance of at least 12 feet beyond the end and sides of the platform or board:

<table>
<thead>
<tr>
<th>Height of Platform or Board Above Water</th>
<th>Minimum Water Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - ½ Meter</td>
<td>9.5 feet</td>
</tr>
<tr>
<td>1 Meter</td>
<td>10 feet</td>
</tr>
<tr>
<td>3 Meters</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

B) Handrails, guardrails and steps shall comply with the requirements of Section 820.200.

4) Safety Boundaries. The wading area shall be separated from swimming and diving areas by a line securely anchored and buoyed at a water depth of 5 feet or less. The limits of the swimming area shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within such limits of safe swimming, there shall be no boating, underwater obstructions, or other hazards which may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing such markers and stating that they
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

indicate the limits of the swimming area.

5) Slides. Slides shall comply with Section 820.250.

c) Electrical Wiring. All electrical wiring shall be in accordance with the National Electrical Code in effect at the time of construction.

d) Bathhouses/Toilets

1) Requirements for Beaches Established After May 28, 1997 (New)

For all new beaches established after May 28, 1997, a bathhouse shall be provided within 300 feet of the shoreline unless the beach is intended to serve only a residential development located around the lake, and 50 or fewer bathers are anticipated to be present per day. In such cases, at least one toilet or privy shall be provided within 300 feet of the shoreline. Bathhouses shall be designed in accordance with the requirements of Section 820.220 (b) and (c). The bather load to be used to determine the required numbers of fixtures shall be provided by the registered engineer or architect who designed the project.

2) Requirements for Beaches Established Before May 28, 1997 (Existing)

All existing beaches shall comply with the bathhouse/toilet facility requirements in effect at the time they were constructed, but at least one toilet or privy must be provided when the number of bathers present per day is 50 or fewer. Two toilets or privies must be provided when the number of bathers present per day is 51 to 100. An additional toilet or privy must be provided for each 100 additional bathers. The maximum number of toilets or privies required is ten. The required toilets or privies must be located within 300 feet of the shoreline.

e) Bathing Beach Operation

1) Samples of bathing beach water shall be taken by the licensee or manager/operator and submitted to the Department at such times and points as designated by the Department within the area utilized for bathing or swimming purposes. Failure by the bathing beach licensee or manager/operator to submit required water samples within seven days
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

after notification by the Department by certified mail shall be cause for the Department to order the beach to be closed until satisfactory samples are received. Additional samples shall also be obtained at any critical point subject to possible pollution as determined by a sanitary survey.

2) During operation, the following bacteriologic water quality results shall warrant the actions described:

A) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in each of two samples collected on the same day shall require closing the beach. The beach shall not be reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

B) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in any single sample of a two sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Department. If either of the two follow-up samples exceeds a fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml, the beach shall be closed and not reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

3) If a survey determines that there are discharges of sanitary or combined sewers, other raw or partially treated sewage, or other hazardous substances to the beach or immediate watershed, or if hazardous materials are found at the beach, the bathing beach shall be closed by written order of the Department.

4) Where schistosome dermatitis (swimmers’ itch) is known to exist, appropriate measures shall be taken to protect the bathers. Such measures may include posting of warning signs, chemical treatment of the beach or closing the beach. Any chemical treatment shall comply with all federal, State and local requirements, including prior approval of the Department or its agents.

5) The beach manager/operator shall monitor the water depth around diving facilities and prohibit use of any such facilities which do not comply with
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

the minimum water depth requirements of subsection (b)(3) of this Section.

6) For all beaches established after May 28, 1997, the beach manager/operator shall enforce the bather load established in subsection (b)(1) of this Section. Additionally, for all beaches the bather density in water less than 5 feet deep shall not exceed one bather per 25 square feet.

7) The beach area shall be kept free of any debris including wastes from waterfowl or other wildlife.

8) Leakproof, covered refuse containers shall be provided at convenient locations in the beach area. They shall be emptied when necessary to avoid odors and insect breeding.

9) At times when the beach is closed seasonally or during normal hours of operation during the operating season, signs proclaiming the closing of the beach shall be prominently posted at the beach unless an effective barrier to prevent access to the beach area is in place.

f) Lifeguards. Lifeguards shall be provided at bathing beaches which allow bathers under 16 years of age to enter the beach without a responsible person 16 years of age or older present. Lifeguards shall comply with the requirements of Section 820.300(b).

g) Safety Requirements

1) A U.S. Coast Guard approved ring buoy with at least 25 feet of rope shall be available at the beach when bathers are present.

2) A telephone shall be available within 500 feet of the beach when bathers are present. The numbers of the local police, fire department, rescue squad and ambulance, and/or 911 numbers shall be posted near the telephone. A portable phone may be used to meet this requirement. The phone may be located in a residence within 500 feet of the beach, provided it will be accessible at all times the beach is in operation. Unless located in the immediate beach area, a sign shall be posted indicating the location of the phone.
3) All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours and the Department’s “Drowning and Injury Report” form shall be completed and submitted within 7 days.

h) Waiver

1) A homeowner’s association may apply to the Department for a waiver of the requirements of subsection (d)(2) of this Section by making a written request signed by an officer of the association. The request must contain the following information:

A) The requirements from which the homeowner’s association seeks a waiver;

B) Certification that a majority of the members of the homeowner’s association or a majority of the board of directors representing the homeowner’s association agreed to be exempt from the requirements requested. If the application for waiver is based on a decision of the board of directors rather than a majority vote of the members, the waiver request must also indicate that all members of the association were notified in writing of the decision to request a waiver and of the requirements from which the association is requesting a waiver. A copy of the notification to members shall be included with the waiver request;

C) Certification that the beach normally serves 50 or fewer bathers per day; and

D) Certification that the use of the beach is intended only for members of the homeowner’s association and their guests.

2) Upon submission of the waiver application, a waiver shall be granted only if the following conditions are met:

A) All water samples were submitted during the current or previous year as required by subsection (e)(1) of this Section; and

B) The closure standards set forth in subsection (e)(2) of this Section
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

were not exceeded during the current or previous year or, if the closure standards were exceeded, the Department or local health department determined that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach.

3) A waiver granted by the Department shall be valid indefinitely, except as provided in this subsection:

A) A waiver shall become invalid immediately if the beach is closed due to a violation of the standards set forth in subsection (e)(2) of this Section, unless the Department or local health department determines that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach;

B) If the applicant or manager/operator fails to comply with a written order of the Department to submit water samples required by subsection (e)(1), the waiver shall become invalid the date the samples were specified to be submitted;

C) A waiver shall not apply on any day the homeowner’s association anticipates that the number of bathers will exceed 50 (for example, holiday weekends, special events, or parties).

4) When a waiver becomes invalid, the required toilet facilities shall be provided before the beach is allowed to operate. If a waiver is invalidated due to the conditions described in subsection (h)(3)(A) or (B), a new waiver application must be filed with and approved by the Department.

i) The following rules governing the use of the beach shall be displayed on placards provided by the Department at the entrance to bathhouses or other conspicuous locations and shall be enforced by the beach manager/operator.

REGULATIONS - BEACHES

The following rules govern the use of the beach and shall be enforced by the beach manager/operator.

1) The beach water is not suitable for drinking. Avoid swallowing beach water.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

2) Admission to the beach may be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind may also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the beach area.

3) Littering is prohibited. In addition, no food, drink, gum or tobacco is allowed in the water. Glass containers are prohibited throughout the beach area.

4) All children who are not toilet-trained shall wear tight fitting rubber or plastic pants.

5) No one should swim alone.

6) Persons under the age of 16 must be accompanied by a responsible person 16 years of age or older unless a lifeguard is present.

7) Personal conduct within the beach must be such that safety is not jeopardized.

8) Diving in shallow water is not permitted.

9) Caution shall be exercised in the use of diving facilities.

10) Swimming is prohibited after sunset or before sunrise, or when thunder is heard or lightning is seen, including a 15-minute period after the last lightning or thunder is detected.

11) No pets are permitted in the beach area.

12) Feeding of wildlife or other actions that encourage their presence is prohibited.

(Source: Emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days)
The following second notices were received by the Joint Committee on Administrative Rules during the period of February 11, 2003 through February 17, 2003 and have been scheduled for review by the Committee at its March 11, 2003 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.

<table>
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<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
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<td>3/27/03</td>
<td>Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)</td>
<td>12/13/02 26 Ill. Reg. 17585</td>
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<td>Department of Human Services, Food Stamps (89 Ill. Adm. Code 121)</td>
<td>12/13/02 26 Ill. Reg. 17605</td>
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<td>Secretary of State, Procedures and Standards</td>
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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECONlD NOTICES RECEIVED

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<th>Date</th>
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<td>4/3/03</td>
<td>Department of Professional Regulation,</td>
<td>Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)</td>
<td>12/27/02</td>
<td>18195</td>
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WHEREAS, the President of the United States has identified the need for military operations concerning U.S. relations with Iraq; and
WHEREAS, U.S. military officials have implemented operations in response to this need; and
WHEREAS, the President may, from time to time, mobilize military operations to address other potential threats to national security; and
WHEREAS, many State of Illinois employees are active members of the National Guard or Reserves and have been mobilized to active duty in the U.S. Armed Forces in support of such operations and others may be so called to active duty; and
WHEREAS, no State of Illinois employee who is a member of the National Guard or Reserves and who is mobilized to active duty in support of such operations should lose compensation or benefits thereby;

THEREFORE, I hereby order the following:

I. Any full-time employee of the State of Illinois under my control, who is a member of any reserve component of the United States Armed Forces, including but not limited to the Illinois Army or Air National Guard, who is mobilized to active duty in response to the above circumstances, shall continue to receive his or her regular compensation as a State employee, plus any health insurance and other benefits he or she is currently receiving, minus the amount of his or her base pay for military activities.

II. The Department of Central Management Services shall immediately commence negotiations with the appropriate collective bargaining representatives on terms and conditions consistent with this order. CMS shall also coordinate with all other State and Federal agencies and take all other actions necessary to implement this order.

This Executive Order 2003-6 shall take effect upon filing with the Secretary of State.
Issued by the Governor February 11, 2003
Filed by the Secretary of State February 11, 2003
DEPARTMENT OF PUBLIC AID

JANUARY 2003 REGULATORY AGENDA

a) Part: Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking:

A) Description: A new rule is planned that authorizes the Department to require vendors of non-emergency transportation services to post a surety bond. The new provisions will establish the criteria and requirements on when a bond must be posted, as well as the value of the bond. New provisions will also be added concerning non-emergency transportation services which state the Department may, in its discretion, utilize available and recognized computer software programs when verifying the billed mileage for reimbursement to such transportation providers.

Another new rulemaking is planned which clarifies that in all cases where a vendor has previously been terminated from the Medical Assistance Program, the vendor has the burden of proof at any hearing regarding his or her reapplication for entry into the Program.

The Department plans to propose amendments regarding record requirements for pharmacies. First, the amendment will eliminate the requirement that the signature log maintained by pharmacies list the name of the person for whom the prescription was prescribed. Second, the amendment will provide that pharmacies may, in lieu of maintaining the signature log currently described in the Department’s rules, utilize optical scanner bar code technology to document that prescriptions were, in fact, delivered.

Changes will be proposed regarding criminal background checks on non-emergency transportation providers. Specifically, the amendment will redact the requirement that each non-emergency transportation provider shall submit to, or update, criminal background checks every five years. Instead, the rule will require the submission or updating of criminal background checks from non-emergency transportation providers only if requested by the Department. In addition, this rule should exempt transportation providers enrolled as privately owned autos.

Proposed amendments are planned regarding the In-Home Care Program to reflect a more complete list of programs, including the University of Illinois Chicago Division of Specialized Services for Children (medically
DEPARTMENT OF PUBLIC AID

JANUARY 2003 REGULATORY AGENDA

fragile, technology dependent children), and to provide updates on current agency names.

The Department intends to amend the rules concerning Home and Community Based Services (HCBS) Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21. The amendments, to be proposed under a home and community based waiver, will specify functions pursuant to an interagency agreement, make changes in eligibility criteria and the requirements for a plan of care, and add provisions requiring family participation and reevaluation of the level of care.

The Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to audit findings, to allow additional documentation for reaudit and to provide that only one reaudit will be conducted. If a response is not received, the matter will be referred for administrative hearing to recover the amounts sought.

Amendments will be proposed clarifying Medicaid coverage requirements for home health services.

B) Statutory Authority: Section 1915(c) of the Social Security Act (42 USC 1396n(c)) (Federal Waiver Authority) and Sections 12-4.25(G-5)(3) and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.25(G-5)(3) and 12-13]

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written
comments concerning such effects that may be submitted in response to this regulatory agenda.

F) **Agency contact person for information:**

Joanne Scattoloni  
Office of the General Counsel  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081  

G) **Related rulemakings and other pertinent information:** None

b) **Part:** Specialized Health Care Delivery systems (89 Ill. Adm. Code 146)

1) **Rulemaking:**

A) **Description:** The Department intends to propose changes regarding dental services performed in Ambulatory Surgical Treatment Centers (ASTCs) or outpatient hospital settings.

The Department plans to propose amendments relating to Supportive Living Facilities (SLFs). Because of program growth, additional requirements and clarifying provisions will be added to the rules. Changes will also be proposed concerning eligibility criteria that relate to SLF admissions to increase SLF access for potential residents.

B) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) **Schedule of meeting or hearing dates:** The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking.
DEPARTMENT OF PUBLIC AID

JANUARY 2003 REGULATORY AGENDA

D) **Date agency anticipates First Notice:** The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) **Effect on small businesses, small municipalities, and not-for-profit corporations:** The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) **Agency contact person for information:**

   Joanne Scattoloni  
   Office of the General Counsel  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois 62763  
   (217) 524-0081

G) **Related rulemakings and other pertinent information:** None

  c) **Part:** Hospital Services (89 Ill. Adm. Code 148)

  1) **Rulemaking:**

     A) **Description:** The Department intends to propose changes regarding dental services performed in outpatient hospital settings or Ambulatory Surgical Treatment Centers (ASTCs).

     Proposed amendments are planned for the transfer of the Hemophilia Program from Department of Human Services to the Department. The Illinois Hemophilia Program pays only for Illinois residents that have financially qualified for the Program. The Program is a payer of last resort: after Medicare and/or private insurance, after other government agencies, and after a patient's determined participation fee, if applicable, and if the patient is not eligible for public assistance at the time of the service being billed. The Department has operated this program since July 1998.
The Department will propose changes relating to hospital inpatient copayments. The changes will update the patient populations exempt from copayments, changing the age for children from under the age of 18 years to under age 19 and begin assessing inpatient copayments for adults on State Family and Children Assistance cases.

B) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) **Schedule of meeting or hearing dates:** The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) **Date agency anticipates First Notice:** The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) **Effect on small businesses, small municipalities, and not-for-profit corporations:** The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) **Agency contact person for information:**

   Joanne Scattoloni  
   Office of the General Counsel  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois 62763  
   (217) 524-0081

G) **Related rulemakings and other pertinent information:** None
STATE BOARD OF ELECTIONS

NOTICE OF WITHDRAWL OF PROPOSED AMENDMENT

1) Heading of the Part: Registration of Voters

2) Code Citation: 26 Ill.Adm.Code 216

3) Section Numbers Proposed Action:
   216.90 Withdrawal
   216. Exhibit A Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register: January 10, 2003, 27 Ill. Reg. 444

5) Reason for the Withdrawal: Upon review, it was discovered that there were errors in the background text of the proposed rulemaking. The Illinois State Board of Elections plans to re-propose the rule in the near future.
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## Order Form

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**Prepayment is Required**

(processing fee for credit card purchases, if applicable.) $1.50

**TOTAL AMOUNT OF ORDER** $ ___________

- **Check**  
  Make Checks payable to: **Secretary of State**

- **VISA**  
- **Master Card**  
- **Discover**  
  (There is a $1.50 processing fee for credit card purchases.)
  
  Card #: __________________________
  Expiration Date: _________________________
  Signature: ____________________________

**Send Payment to:**  
Index Department
111 E. Monroe
Springfield, IL 62756

**Fax order to:** (217) 524-0308

### Contact Information

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