2020

ILLINOIS

REGISTER

Rules of
Governmental Agencies

Volume 44, Issue 38

September 18, 2020

Pages 14,826 - 15,841

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. September --- 70 I PUB3

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

Issue#	Rules Due Date	Date of Issue
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
8	February 10, 2020	February 21, 2020
9	February 18, 2020	February 28, 2020
10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
13	March 16, 2020	March 27, 2020
14	March 23, 2020	April 3, 2020
15	March 30, 2020	April 10, 2020
16	April 6, 2020	April 17, 2020
17	April 13, 2020	April 24, 2020
18	April 20, 2020	May 1, 2020
19	April 27, 2020	May 8, 2020
20	May 4, 2020	May 15, 2020
21	May 11, 2020	May 22, 2020
22	May 18, 2020	May 29, 2020

23	May 26, 2020	June 5, 2020
24	June 1, 2020	June 12, 2020
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26	June 15, 2020	June 26, 2020
27	June 22, 2020	July 6, 2020
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30	July 13, 2020	July 24, 2020
31	July 20, 2020	July 31, 2020
32	July 27, 2020	August 7, 2020
33	August 3, 2020	August 14, 2020
34	August 10, 2020	August 21, 2020
35	August 17, 2020	August 28, 2020
36	August 24, 2020	September 4, 2020
37	August 31, 2020	September 11, 2020
38	September 8, 2020	September 18, 2020
39	September 14, 2020	September 25, 2020
40	September 21, 2020	October 2, 2020
41	September 28, 2020	October 9, 2020
42	October 5, 2020	October 16, 2020
43	October 13, 2020	October 23, 2020
44	October 19, 2020	October 30, 2020
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46	November 2, 2020	November 13, 2020
47	November 9, 2020	November 20, 2020
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49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

ILLINOIS STATE POLICE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Firearm Owners Identification Card Act

2) Code Citation: 20 Ill. Adm. Code 1230

3) Section Number: 1230.30 — Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605].

5) A Complete Description of the Subjects and Issues Involved: Due to the Gubernatorial Disaster proclamations, this emergency rulemaking amends the FOID rules to extend the expiration date for a FOID card for the period of the proclamations and the following 18 months. This extension is valid provided that the FOID card holder has submitted a renewal application and the FOID card has not been revoked by ISP.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? Yes

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: This amendment will not require a local government to establish, expend, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Ms Yvette C. Loizon
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S

ILLINOIS STATE POLICE

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62703

217/782-7658

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the need for it was unanticipated.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment for this Part and begins in this issue of the *Illinois Register* on page 15819.

ILLINOIS STATE POLICE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Firearm Concealed Carry Act Procedures

2) Code Citation: 20 Ill. Adm. Code 1231

3) Section Number: 1231.60 — Proposed Action: Amendment

4) Statutory Authority: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

5) A Complete Description of the Subjects and Issues Involved: Due to the Gubernatorial Disaster proclamations, this emergency rulemaking amends the FCCL rules to extend the expiration date for a license for the period of the proclamations and the following 18 months. This extension is valid provided that the FCCL holder has submitted a renewal application and the FCCL has not been revoked by ISP.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: These rules will not require a local government to establish, expend, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Ms Yvette C. Loizon
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

ILLINOIS STATE POLICE

NOTICE OF PROPOSED AMENDMENT

217/782-7658

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the need for it was unanticipated.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment for this Part and begins in this issue of the *Illinois Register* on page 15823.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Child Labor Law

2) Code Citation: 56 Ill. Adm. Code 250

3) Section Number: 250.400 — Proposed Action: Amendment

4) Statutory Authority: 820 ILCS 205/16

5) A Complete Description of the Subjects and Issues Involved: The proposed rule is amending and codifying an emergency rule that is in place. It would allow issuing officers to implement a remote application process in lieu of an in-person application as required in 820 ILCS 205 Section 12 for minors seeking employment. The remote application process enables the issuing officers to receive all required documents, confirms the identification and consent of parent/legal guardians and requires participation of video or conference call with parent and minor to adhere to the intent of the Act. The emergency rule was put in place in response to the COVID-19 pandemic as social distancing policies and physical access to schools and education district offices became standard practice. Electronic submission utilizes current technology and is becoming the preferred method in the field. Additionally, that statute currently provides a remote application for out-of-state minors seeking employment in Illinois. The Department believes this process should not be more restrictive on Illinois resident minors than out-of-state minors. Moreover, the intent of the statute to facilitate minors ability to work during non-school hours and breaks.

6) Published studies and reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? Yes

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jason Keller
Illinois Department of Labor
900 South Spring St.
Springfield IL 62704

217/782-1706
Jason.keller@illinois.gov

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: No adverse impact.

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of the last Regulatory Agenda was published.

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

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 250
ILLINOIS CHILD LABOR LAW

SUBPART A: DEFINITIONS

Section
250.100 Definition of the Act
250.105 Definitions
250.110 Minor (Repealed)
250.115 Agriculture (Repealed)
250.120 Week (Repealed)
250.125 Work (Repealed)
250.130 Time Record (Repealed)
250.135 Premises (Repealed)
250.140 Suffer (Repealed)
250.145 Garage (Repealed)
250.150 Employer and All Interested Parties (Repealed)

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section
250.200 Employers Subject to the Act
250.205 Minors Assisting Employees of Tax Supported School Lunch Programs
250.210 Movie Theaters
250.215 Car Wash
250.220 Employment in or about Airfields
250.225 Office and Ice Cream Dispensing Equipment
250.230 Enclosed, Self-sealing Automatic Dishwashers
250.235 Power Driven Machinery
250.240 Exhibition Park or Place of Amusement
250.245 Employment in Establishments Selling Package Liquors
250.250 Shopping Malls and Similar Structures Containing Two or More Buildings
250.255 Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act
250.260 Employment of Minors as Models

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

250.265 Parent/Guardian Required Presence at Performance
250.270 Non-Resident Minor Seeking Employment

SUBPART C: HOURS OF EMPLOYMENT

Section
250.300 Number of Days Employment Limit
250.302 Section 8.1(a) Work Hours Exception
250.305 Applying for a Section 8.1(b) Work Hours Waiver
250.310 Issuance of a Section 8.1(b) Work Hours Waiver
250.315 Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section
250.400 Responsibilities of Issuing Officers ~~are responsible for:~~

SUBPART E: RESPONSIBILITIES OF EMPLOYERS

Section
250.500 The Employer shall:

SUBPART F: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

Section
250.600 Revocation of Employment Certificates; Civil Penalty Assessments

SUBPART G: HEARING PROCESS

Section
250.700 Procedure and Time Table for Suspension or Revocation of Employment Certificates
250.705 Procedure for Child Labor Penalty Assessment
250.710 Assessing Penalties
250.715 Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

SUBPART H: EMPLOYER VIOLATIONS

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

Section
250.800 Minimum Age
250.805 Hours of Work
250.810 Meal Period
250.815 Posting of Hours
250.820 Time Record
250.825 Hazardous Occupations
250.830 Minor Under Sixteen Appearing in Theatrical Productions
250.835 Employment Certificate Required
250.840 Duties of Employers
250.845 Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models
250.850 Parent/Guardian Not Present at Performance
250.855 Minors Under Sixteen Appearing in Television or Motion Picture Productions
250.860 Minors: Athletic or Acrobatic Activity and Stunts

AUTHORITY: Implementing Section 16 of the Illinois Child Labor Law [820 ILCS 205].

SOURCE: Adopted at 2 Ill. Reg. 22, p. 64, effective May 23, 1979; amended at 5 Ill. Reg. 902, effective January 14, 1981; codified at 8 Ill. Reg. 18483; emergency amendment at 15 Ill. Reg. 16132, effective October 25, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5335, effective March 24, 1992; emergency amendment at 18 Ill. Reg. 16699, effective October 25, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6564, effective May 2, 1995; amended at 20 Ill. Reg. 6449, effective April 29, 1996; emergency amendment at 24 Ill. Reg. 17850, effective November 20, 2000, for a maximum of 150 days; emergency expired April 10, 2001; amended at 25 Ill. Reg. 864, effective January 5, 2001; amended at 25 Ill. Reg. 6291, effective April 20, 2001; amended at 36 Ill. Reg. 314, effective December 22, 2011; emergency amendment at 44 Ill. Reg. 10210, effective May 29, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section 250.400 Responsibilities of Issuing Officers ~~are responsible for:~~

Issuing officers are responsible for:

a) A knowledge of the Child Labor Law, this Part~~the Rules and Regulations issued thereto~~, and the Department of Labor Publication "Procedures for Issuance of

Certificates under the Illinois Child Labor Law".

b) Issuing legal employment certificates and maintaining necessary records to comply with Sections~~Section~~ 10 through ~~Section~~ 12 of the Act.

c) A determination of the legality of the minor's proposed employment and whether or not the minor is academically and physically capable of performing the work in addition to the school requirements. If any one of the three tests is~~are~~ not satisfied, the issuing officer shall refuse to issue the employment certificate and notify the minor and the proposed employer of the~~such~~ refusal.

d) The petitioning of the Department of Labor to suspend any employment certificate found to be illegally or improperly issued, or when~~where~~ it is believed the employment is interfering with the best physical, intellectual or moral development of the minor.

e) Issuance upon request of Certificate of Age for individuals ~~sixteen (~~16~~)~~ through ~~nineteen (~~19~~)~~ years of age~~, inclusive~~.

f) Require a parent or legal guardian seeking a work permit on behalf a minor to submit the following documents, through either a secure electronic transmission or certified U.S. Mail, to protect personal identifiable information such as birthdates, addresses, social security numbers, or any other document that may be confidential in nature, as required by the issuing officers in accordance with Section 12 of the Act, if in-person applications are not possible:

1) the application for employment;

2) the documents listed in Section 12 (1 through 4) of the Act; and

3) a copy of a government issued photo identification for the person designated as the parent or legal guardian on the minor's birth certificate or court order regarding adoption or guardianship.

g) Perform the following actions when an in-person interview with the minor and parents or legal guardians are not possible:

1) receive and review the documents listed in subsection (f) in advance of the interview;

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

2) schedule and host a video conference interview, with the minor seeking the employment certificate and the minor's parent or legal guardian simultaneously, to confirm consent to seek employment and verify the completeness of documents required by Section 12 (1 through 4) of the Act and subsection (f) of this Section at the time of the interview;

3) if a parent or legal guardian does not have access to video technology, telephonically interview the parent or guardian. In this circumstance, the issuing officer must provide the Department with a statement indicating the video interview was not possible and that a telephone interview was conducted; and

4) e-mail a copy of the approved employment certificate to the Department (dol.childlaborlaw@illinois.gov).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Number: 130.915 Proposed Action: New Section

4) Statutory Authority: 35 ILCS 120/11

5) A Complete Description of the Subjects and Issues Involved: Section 11 of the Retailers' Occupation Tax Act provides that "[a]ll information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes…." The purpose of this rulemaking is to provide that when the Department is engaged in a joint investigation with a law enforcement authority to enforce the Retailers' Occupation Tax Act or another tax Act administered by the Department, it is an official purpose within the meaning of Section 11 of the Retailers' Occupation Tax Act [35 ILCS 120/11] for the Department to furnish information it receives in administering the Retailers' Occupation Tax Act with the law enforcement authority.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Samuel J. Moore

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Revenue
Legal Services Office
101 W. Jefferson St.
Springfield IL 62702

217/782-2844

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it is an initiative approved after the most recent regulatory agenda was published.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX

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DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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DEPARTMENT OF REVENUE

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DEPARTMENT OF REVENUE

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DEPARTMENT OF REVENUE

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130.1701 Bulk Sales: Notices of Sales of Business Assets

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130.1934	Community Water Supply
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130.1940	Construction Contractors and Real Estate Developers
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130.1946	Tangible Personal Property Used or Consumed in Graphic Arts Production within Enterprise Zones Located in a County of more than 4,000 Persons and less than 45,000 Persons
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130.1949	Sales of Building Materials Incorporated into the South Suburban Airport
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130.1954	Sales of Building Materials Incorporated into Real Estate within River Edge Redevelopment Zones
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130.2004	Sales to Nonprofit Arts or Cultural Organizations
130.2005	Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006	Sales by Teacher-Sponsored Student Organizations
130.2007	Exemption Identification Numbers
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130.2009	Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
130.2010	Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
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130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
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130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
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130.2050	Sales and Gifts By Employers to Employees
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130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
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130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
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130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
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130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100 Sellers of Feeds and Breeding Livestock
130.2101 Sellers of Floor Coverings
130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110 Sellers of Seeds and Fertilizer
130.2115 Sellers of Machinery, Tools and Special Order Items
130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
130.2125 Discount Coupons, Gift Situations, Trading Stamps, Automobile Rebates and Dealer Incentives
130.2130 Undertakers and Funeral Directors
130.2135 Vending Machines
130.2140 Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145 Vendors of Meals
130.2150 Vendors of Memorial Stones and Monuments
130.2155 Tax Liability of Sign Vendors
130.2156 Vendors of Steam
130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165 Veterinarians
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SUBPART T: DIRECT PAYMENT PROGRAM

Section
130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Cards
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C Food Flow Chart

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NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Department of Revenue Law [20 ILCS 2505].

SOURCE: Adopted July l, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June l, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July l, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996;

expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at

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36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38 Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. 12597, effective August 26, 2015; amended at 39 Ill. Reg. 14616, effective October 22, 2015; amended at 40 Ill. Reg. 6130, effective April 1, 2016; amended at 40 Ill. Reg. 13448, effective September 9, 2016; amended at 41 Ill. Reg. 10721, effective August 1, 2017; amended at 42 Ill. Reg. 2850, effective January 26, 2018; amended at 43 Ill. Reg. 4201, effective March 20, 2019; amended at 43 Ill. Reg. 5069, effective April 17, 2019; amended at 43 Ill. Reg. 8865, effective July 30, 2019; emergency amendment at 43 Ill. Reg. 9841, effective August 21, 2019, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 552, effective December 27, 2019, for a maximum of 150 days; emergency expired May 24, 2020; emergency amendment at 44 Ill. Reg. 2055, effective January 13, 2020, for a maximum of 180 days; amended at 44 Ill. Reg. 5392, effective March 16, 2020; amended at 44 Ill. Reg. 10981, effective June 10, 2020; amended at 44 Ill. Reg. 13975, effective August 11, 2020; amended at 44 Ill. Reg. _____, effective _____.

SUBPART I: PENALTIES AND INTEREST

Section 130.915 Criminal Investigations

a) *All information received by the Department from returns filed under the Retailers' Occupation Tax Act* [35 ILCS 120]*, or from any investigation conducted under the Retailers' Occupation Tax Act, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor with a fine not to exceed $7,500.* (Section 11 of the Act)

b) When the Department is engaged in a joint investigation with a law enforcement authority, including, but not limited to, State agency law enforcement, federal agency law enforcement, county sheriffs or municipal police, to enforce the Retailers' Occupation Tax Act (ROTA) or another tax Act administered by the Department, it is an official purpose within the meaning of Section 11 of ROTA for the Department to furnish information it receives in administering ROTA with the law enforcement authority. The information shall be provided pursuant to a written agreement and shall be subject to all confidentiality provisions of Section 11 of ROTA. The written agreement shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information. A person receiving

information pursuant to an official purpose who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor with a fine not to exceed $7,500.

(Source: Added at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Acquisition, Management and Disposal of Real Property

2) Code Citation: 44 Ill. Adm. Code 5000

3)

Section Numbers:	Adopted Actions:
5000.340	Amendment
5000.APPENDIX A	Amendment

4) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605], implementing and authorized by Sections 5-675 [20 ILCS 5], 405-215, 405-300, 405-305, 405-310 and 405-315 [20 ILCS 405] of the Civil Administrative Code of Illinois and authorized by Section 6 of the State Property Control Act [30 ILCS 605] and the Illinois Procurement Code [30 ILCS 500].

5) Effective Date of Rules: September 1, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 8454; May 22, 2020

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

11) Difference between Proposal and Final Version: No changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.

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

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

15) Summary and Purpose of Rulemaking: The amendments update the statewide space standards in order to promote efficient and cost-effective use of facilities, support flexibility, and provide employees with productive work environments.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted rules shall be directed to:

Sean Coombe
Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

217/782-2141

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE D: PROPERTY MANAGEMENT
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000
ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section
5000.100 Authority
5000.110 Policy
5000.120 Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section
5000.200 General Policy and Responsibility
5000.210 Requests for Space/Agency Responsibilities
5000.220 Acquisition Authority
5000.230 General Acquisition Procedures
5000.231 Acquisition of Leases by RFI
5000.232 Leases Acquired by Other Methods
5000.233 Renewal or Extension of Lease in Effect Prior to July 1, 1998
5000.234 Renewal of Leases Entered into After July 1, 1998
5000.235 Purchase Options
5000.240 Lease Administration
5000.250 Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section
5000.300 Scope
5000.310 Area Measurement
5000.320 Space Planning Assistance
5000.330 Open Space
5000.340 Space Allowance and Standards
5000.350 Office Furnishing

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

5000.360 Handicapped Accessibility
5000.370 Vending Facilities/Blind Operators
5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section
5000.400 Assignment and Management by DCMS
5000.410 Assignment by Agencies
5000.420 Reviews and Appeal of Space Assignment Actions
5000.430 Services Provided
5000.440 Alterations
5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE
(STATE-OWNED AND LEASED PROPERTIES)

Section
5000.500 Space Inspections and Surveys
5000.510 Responsibility of Agencies
5000.520 Release of Space not~~Not~~ Fully Utilized
5000.530 Notice to DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section
5000.600 Excess Real Property Defined
5000.610 Reports of Excess Real Property
5000.620 Utilization of Excess Real Property
5000.630 Charges for Use of Excess Property
5000.640 Temporary Occupancy
5000.650 Disputes
5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section
5000.700 Surplus Real Property Defined
5000.710 Declaration of Surplus

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

5000.720 Reporting Surplus Real Property
5000.730 Notice of Availability to State Agencies
5000.740 State Agency Requests for Surplus Real Property
5000.750 Transfer Decisions
5000.760 Transfer Procedures
5000.770 Transfer to Department of Central Management Services
5000.780 Subsequent Disposal
5000.790 Sale of Surplus
5000.800 Notice of Sale to Local Governments
5000.810 Local Government Offer to Purchase
5000.820 Public Sale
5000.830 Public Sale Procedures
5000.840 Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDING

Section
5000.900 Applicability
5000.901 Building Access and Security
5000.902 Security
5000.910 Definitions
5000.920 Business Hours and Public Access
5000.930 Prohibited Activities
5000.940 Demonstrations
5000.950 Exhibits and Special Events
5000.960 Distribution of Leaflets
5000.970 Severability

5000.APPENDIX A Space Standards
5000.APPENDIX B Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605], implementing and authorized by Sections 5-675 [20 ILCS 5], 405-215, 405-300, 405-305, 405-310 and 405-315 [20 ILCS 405] of the Civil Administrative Code of Illinois and authorized by Section 6 of the State Property Control Act [30 ILCS 605] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg.

7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. 14094, effective August 10, 2006; amended at 31 Ill. Reg. 99, effective December 20, 2006; recodified Title of the Part at 39 Ill. Reg. 5903; emergency amendment at 44 Ill. Reg. 13754, effective August 10, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14851, effective September 1, 2020.

SUBPART C: BUILDING STANDARDS

Section 5000.340 Space Allowance and Standards

a) In Appendix A, DCMS is providing space standards that support efficient and cost-effective use of facilities, support flexibility, and provide employees with productive work environments. These space standards dictate the allotment of individual, collaborative, and support space. In planning office space, size and layout shall be consistent with the standards listed in Appendix A. Agency implementation of these space standards shall be done in cooperation with DCMS and shall support the needs of the agency. These DCMS space standards are implemented to reduce costs, optimize the State facilities portfolio, and minimize construction costs, while providing employees with better workspace in which they can collaborate, focus, and serve the citizens of the State of Illinois.

b) These standards shall apply to upgrades, renovations and new construction of State agency facilities. No rearrangement or remodeling of existing space will be authorized for the sole purpose of conforming to these standards.

c) Individual agency functions and needs, and physical variations in State property, may require variations in the amount of space assigned. The division of agency

space into private, semi-private and open areas will be evaluated by DCMS on a case-by-case basis.~~Space allowed for specific personnel and operations should not exceed that which is necessary to work efficiently and effectively. In planning office space, size and layout should be consistent with the standards listed in Appendix A. It is recognized, however, that agency functions and needs and physical variations in buildings will cause variations in the amount of space assigned, and its division into private, semi-private and open areas. No rearrangement or remodeling of existing space shall be authorized for the sole purpose of conforming to these standards.~~

(Source: Amended at 44 Ill. Reg. 14851, effective September 1, 2020)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 5000.APPENDIX A Space Standards

These space standards guide the design of interior spaces by establishing policies and requirements to provide State employees with functional work environments appropriate for their required tasks, maximize the efficient use of space, and enhance work areas for all employees and the public. Please note that, in some cases and based upon operations, unique functions and existing building conditions and dimensions that do not meet the space requirements of this Appendix may be greater and/or smaller than what is indicated. DCMS will evaluate and make final recommendations on a case by case basis.

These space standards will be reflected in the Space Request form, which is available from DCMS.

In the analysis of the basic units of activity, the following standards of space were developed to reflect the requirement of recurring, typical activities. The standards provide the occupant of each work station with space sufficient to conduct his/her business in an efficient manner. The amount of space allocated to each activity type includes allowances for various units of equipment and intrawork station circulation. Additional allowances are used for supporting space for each job position, as well as general circulation, conference rooms, ~~library,~~ reception area, special storage, and other unusual space requirements.

A) Enclosed Interior Office Space Standards
Enclosed private office space for agency Directors, Deputy Directors, the head of a Division, Bureau or Office, and similar employees requiring space to conduct private and confidential business shall be sized in accordance with one of the following 3 types.

1. Small Office Type: 100 through 120 SF

2. Medium Office Type: 120 through 150 SF

3. Large Office Type: 225 through 250 SF

B) Open Interior Work Station Space Standards

1. All open interior work stations shall be sized in accordance with the following (for work stations and cubicles):

a. Bench Type: 25 SF to 30 SF work areas and desks, with or without separators

b. Small Cubicle Type*: 36 SF

c. Medium Cubicle Type: 48 SF

d. Large Cubicle Type: 64 SF to 80 SF

2. Huddle/Collaboration Areas:

a. For 4 Staff: 64 SF

b. For 6 to 8 Staff: 144 SF

c. For 10 to 14 Staff: 225 SF

3. Reception Areas:

a. With No Waiting: 100 through 120 SF

b. With 4-6 Chairs for Waiting: 144 through 160 SF

c. With 8-12 Chairs for Waiting: 225 through 250 SF

Part-time or Field Personnel
Whenever personnel use the assigned space less than 50% of the work week, the area allowances shall be adjusted to maximize efficient space utilization. Generally, 60 square feet or less should be adequate. If operational requirements permit, desks and space should be shared by multiple staff.

C) Common Space Standards

1. New conference rooms shall have appropriate sizes (20 SF per person with required circulation and clearances) and may be smaller in size than the dimensions listed in a, b and c. All requests shall be evaluated by DCMS to determine the size of the conference room that can be constructed:

a. Small Conference Room for 6 to 10 Staff: 100 through 144 SF

b. Medium Conference Room for 14 to 16 Staff: 400 through 425 SF

c. Large Conference/Training Room for 20+ Staff: 625 through 750 SF

2. Breakrooms and Kitchenettes:

a. Small Breakroom: 120 through 150 SF

b. Medium Breakroom for 8 to 10 Staff: 225 through 250 SF

c. Large Breakroom for 20+ Staff: 400 through 425 SF

3. New storage area requests will be evaluated by DCMS to determine if physical walls are required. DCMS will determine the appropriate size of the storage room, which may be smaller than the following dimensions:

a. Small Storage Area: 100 through 150 SF

b. Medium Storage Area: 225 through 250 SF

c. Large Storage Area: 400 through 425 SF

D) Federal Space Standards

Agencies requesting to use standards other than those established in this Appendix shall supply a copy of those standards to DCMS. In instances in which federal regulations require the use of federal space standards, the agency shall estimate its space requirements in accordance with the federal standards.~~These space allocation standards are in accordance with Part II, Section 3.20 of the Rules established by the Department of Central Management Services.It is recognized, however, that agency functions and needs and physical variations in buildings will cause variations in the amount of space assigned and its division into private, semi-private and open areas. Therefore, the space occupied by the agency would rarely exactly equal the net space requirement.~~

~~A)~~ ~~Office Space Standards~~

~~Position Category~~	~~Code~~	~~Job Classification Examples~~	~~Area Allowances~~	~~Space* Type~~
~~Executive~~	~~E~~	~~Commissioner~~	~~250-300~~	~~P~~
		~~Director of Dept.~~	~~275-300~~	~~P~~
		~~Deputy Director~~	~~200-250~~	~~P~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

		~~(Exec. Area Allowance)~~	~~200-300~~	
~~Administrator~~	~~A~~	~~Re. Adm./Mgr.~~	~~175-250~~	~~PC,P~~
		~~Division Chief~~	~~180-250~~	~~PC,P~~
		~~Asst. Div. Chief~~	~~150-185~~	~~PC,P~~
		~~(Admn. Area Allowance)~~	~~150-250~~	
~~Middle Mgmt./ Supervisory~~	~~S~~	~~Supv. of Small Unit (12 or less)~~	~~100-125~~	~~PC,P~~
		~~Supv. of Large Unit (13 or more)~~	~~125-150~~	~~PC,P~~
		~~Clerical Supv.~~	~~75-175~~	~~O,PC,P~~
		~~Manager (up to 20 subordinates)~~	~~125-150~~	~~PC,P~~
		~~Manager (over 20 subordinates)~~	~~150-175~~	~~PC,P~~
		~~(Middle Mgmt./Supv. Area Allow.)~~	~~75-175~~	~~O,PC,P~~

~~Position Category~~	~~Code~~	~~Job Classification Examples~~	~~Area Allowances~~	~~Space* Type~~
~~**Professional~~	~~P~~	~~Attorney~~	~~90-130 to 150~~	~~O,S,SC PC,P~~
		~~Architect~~	~~90-125 to 150~~	~~O,S,SC PC,P~~
		~~Exec. Acct.~~	~~95-125 to 165~~	~~O,S,SC PC,P~~
		~~Env. Scientist~~	~~90-110 to 150~~	~~O,S,SC PC,P~~
		~~Data Proc. Analyst~~	~~90-110 to 150~~	~~O,S,SC PC,P~~
		~~Human Serv. Consultant~~	~~90-100 to 125~~	~~O,S,SC PC,P~~
		~~Bhvrl. Scientist~~	~~90-100 to 125~~	~~O,S,SC PC,P~~
		~~(Prof. Area Allow.)~~	~~99-130 to 165~~	~~O,S,SC PC,P~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~**Technical/Prof~~	~~T~~	~~Draftsman~~	~~60-85~~	~~O,S,SC~~
		~~Nurse~~	~~50-75~~	~~O~~
		~~Auditor~~	~~45-60~~	~~O,S,SC~~
		~~Bank Examiner~~	~~40-55~~	~~O~~
		~~Data I/O Operator~~	~~45-55~~	~~O,S,SC~~
		~~Programmer~~	~~65-85~~	~~O,S,SC~~
		~~Accountant~~	~~45-65~~	~~O,S,SC~~
		~~Para-Legal~~	~~65-90~~	~~S,SC~~
		~~(Technical Prof. Area~~	~~40-90~~	~~O,S,SC~~
		~~Allowance)~~	~~to 100~~	~~PC,P~~
~~**Clerical~~	~~C~~	~~Clerk~~	~~140-70~~	~~O~~
		~~Sec./Recept.~~	~~50-100~~	~~O~~
		~~Receptionist~~	~~50-75~~	~~O~~
		~~Word Processing Specialist~~	~~60-70~~	~~O~~
		~~(Clerical Area Allowance)~~	~~40-100~~	~~O~~
~~***Field Personnel~~	~~F~~	~~Pub. Hlth. Inspec.~~	~~45-50~~	~~O,S~~
~~(Positions where~~		~~Caseworker~~	~~45-60~~	~~O,S~~
~~personnel are out of~~		~~Parole Counselor~~	~~45-60~~	~~O,S~~
~~the office more that~~		~~(Field Personnel Allowance)~~	~~40-60~~	~~O,S~~
~~50% of the time)~~				

~~*P – Private Office Space~~ ~~PC – Private Cubicle~~ ~~O – Open Space~~
~~S – Semi-Private Office Space~~ ~~SC – Shared Cubicle~~

~~**~~ ~~Any request for Professional, Technical or Clerical private office space must include justification. Security, Confidentiality, Private consultation or other good cause may constitute justification.~~

~~***~~ ~~Part-time or field personnel: Whenever personnel use the assigned space less than 50% of the work week, the area allowances shall be adjusted to maximize efficient space utilization. Generally, sixty (60) square feet or less should be adequate, and, if operational requirements permit, desks and space should be shared by two (2) or more staff.~~

~~B)~~ ~~Common Functional Standards~~

~~1.~~ ~~Conference Rooms – space allocation will be determined on the basis of:~~

- ~~average number of persons attending'~~
- ~~frequency of meetings (average number per month);~~
- ~~average length of sessions;~~
- ~~availability of private office space and;~~
- ~~special requirements, e.g. dais, blackboard, projector and screen, etc.~~

~~Conference rooms should be established only when they will be in use at least 15 hours per week. Approximately 20 half-day sessions per month are considered capacity for one room. Allow approximately 20 square feet per person.~~

~~Average number in Attendance~~	~~Area Allowance~~	~~NSF Required~~
~~4~~	~~10' X 10'~~	~~100~~
~~6~~	~~10' X 15'~~	~~150~~
~~10~~	~~11'4" X 20'/12'6" X 20'~~	~~225-250~~
~~12~~	~~12' X 20'/15' X 20'~~	~~240-300~~
~~14~~	~~15' X 20'/15' X 25'~~	~~300-375~~
~~20~~	~~20' X 20'/20' X 25'~~	~~400-500~~
~~24~~	~~20' X 25'/20' X 30'~~	~~500-600~~
~~30~~	~~20' X 30'/20' X 35'~~	~~600-700~~

~~2.~~ ~~Reception/Client Areas – In establishing reception/client areas, agencies shall consider:~~

- ~~average number of callers each day;~~
- ~~type of callers;~~
- ~~maximum seating requirements; and,~~
- ~~special requirements, e.g. writing tables, bulletin board, coat rack, etc.~~

~~Space requirement is based on average visitor load at 10-15 square feet per person per hour plus circulation space. (This allowance does not include space requirement for receptionist.~~

~~3. Libraries – Space requirements is based on measurement of equipment plus circulation. Despite the fact that there is considerable variation in size of books, the following formulas may be used to estimate the amount of space required for books:~~

~~Open reading rooms:~~	~~7 volumes per lineal foot; 50 books per foot of standard height wall shelving; or, 100 books per foot of double faced shelving.~~
~~Book stack areas:~~	~~15 books per square foot (includes aisles), or 2 books per cubic foot. Approximately 50 long play phonograph records may be shelved on one lineal foot of wall shelving.~~

~~4. Exhibit Areas, Duplicating Rooms, Mail Rooms, Supply Rooms – Space allocation based on measurement of equipment plus circulation.~~

~~5. Furniture and Equipment – These standards are to be used only if the designated furniture is not included in a private office or part of an employee's work station. Area requirements for other furniture and equipment can be determined by measuring the items. If access or circulation space is required, this should also be included.~~

~~Typical Item~~	~~Square Feet~~
~~DESKS (additional)~~	
~~Desk, single pedestal, 45" X 30"~~	~~10~~
~~Desk, typing, 60" X 30" with 32" typing platform~~	~~26~~
~~Desk, typing, 60' X 30" with 62" typing platform~~	~~38~~
~~Desk, double pedestal, 55" X 30"~~	~~12~~
~~Desk, double pedestal, 60" X 30"~~	~~13~~
~~Desk, double pedestal, 60" X 36"~~	~~15~~
~~Desk, double pedestal, 70" X 36"~~	~~18~~

~~Desk, double pedestal, 78" X 36"~~	~~20~~
~~CHAIRS (additional)~~	
~~Chair, swivel/posture~~	~~10~~
~~Chair, side~~	~~8~~
~~Stool, swivel~~	~~10~~
~~Chair, club~~	~~9~~
~~Settee, 2 seater~~	~~17~~
~~Settee, 3 seater~~	~~23~~
~~Chair, stacking~~	~~5~~
~~TABLES~~	
~~Table, multipurpose, 60" X 30"~~	~~12~~
~~Table, multipurpose, 72" X 36"~~	~~18~~
~~Table, conference, 72" X 48"~~	~~24~~
~~Table, conference, 96" X 48"~~	~~32~~
~~Table, end, 26" X 16"~~	~~3~~
~~Table, reception, 45" X 19"~~	~~6~~
~~Table, machine, 19" X 13"~~	~~3~~
~~Table, drafting, 72" X 40"~~	~~20~~
~~Table, round center, 42" diameter~~	~~10~~
~~FILES~~	
~~File, vertical, 18" X 29"~~	~~9~~
~~File, lateral, 36" X 18"~~	~~13~~
~~File, lateral, 42" X 18"~~	~~15~~
~~File, flat plans, 54" X 43"~~	~~35~~
~~MISCELLANEOUS~~	
~~Storage shelving – floor length time 5 feet~~	~~length X 5'~~
~~Work Station Unit (prefabricated), 72" X 23"~~	~~12~~
~~Copier, 56" X 27"~~	~~18~~
~~Credenza, 70" X 20"~~	~~19~~
~~Telephone cabinet, 30" X 15"~~	~~7~~
~~Storage cabinet, 36" X 18"~~	~~9~~
~~Bookcase, 38" X 15"~~	
~~Reception Counter (includes counter and receptionist work space) – length~~	~~length X 5'~~

~~length of counter times 5 feet~~

~~Aisle Width~~

~~Files:~~ ~~If files are to open toward an aisle, allow 44 to 66 inches with the file drawer open for heavily traveled aisles, and 28 to 48 inches for secondary aisles.~~

~~Shelving~~ ~~Main and subsidiary aisles around shelving plus 44 to 66 inches for main aisles and 28 to 36 inches for subsidiary aisles.~~

~~6.~~ ~~Federal Space Standards – Agencies requesting to use standards other than those published in this Appendix shall supply a copy of those standards with the Department of Central Management Services. Where federal regulations direct the use of space standards, the agency shall estimate its space requirements in accordance with the federal standards.~~

(Source: Amended at 44 Ill. Reg. 14851, effective September 1, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Rules

2) Code Citation: 35 Ill. Adm. Code 101

3)

Section Numbers:	Adopted Actions:
101.202	Amendment
101.302	Amendment
101.308	Amendment
101.610	Amendment
101.626	Amendment

4) Statutory Authority: Implementing Section 9.1 and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/9.1, 27 and 28].

5) Effective Date of Rules: September 4, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov/) and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 4316; March 20, 2020

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

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications to its first-notice proposal.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were made.

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

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 204 of its air pollution rules to create a Prevention of Significant Deterioration (PSD) permitting program. IEPA intends that its proposal will allow it to assume responsibility for PSD permitting from the United States Environmental Protection Agency and also allow the Board to assume responsibility for appeals of PSD permits issued by IEPA. IEPA states that its proposal meets requirements to establish such a program under Section 9.1(c) of the Illinois Environmental Protection Act (Act) [(415 ILCS 5/9.1(c) (2018)]; see PA 99-463, eff. Jan. 1, 2016.

IEPA proposed to amend existing Part 101 of the Board's procedural rules to conform with the new Part 204 and accommodate PSD permit appeals.

The Board's first-notice, second-notice, and adoption opinions and orders in this rulemaking may be viewed on and downloaded from the Board's website (https://pcb.illinois.gov/).

16) Information and questions regarding these adopted rules shall be directed to:

Tim Fox
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

312/814-6931
tim.fox@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (https://pcb.illinois.gov/). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R19-01 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 101
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section
101.100 Applicability
101.102 Severability
101.104 Repeals
101.106 Board Authority
101.108 Board Proceedings
101.110 Public Participation
101.111 Informal Recordings of Board Meetings
101.112 Bias and Conflict of Interest
101.114 Ex Parte Communications

SUBPART B: DEFINITIONS

Section
101.200 Definitions in the Act
101.202 Definitions for Board's Procedural Rules

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE
OF DOCUMENTS, AND STATUTORY DECISION DEADLINES

Section
101.300 Computation of Time
101.302 Filing of Documents
101.304 Service of Documents
101.306 Incorporation of Documents from Another Proceeding
101.308 Statutory Decision Deadlines and Waiver of Deadlines

SUBPART D: PARTIES, JOINDER, AND CONSOLIDATION

Section

101.400 Appearances, Withdrawals, and Substitutions of Attorneys in Adjudicatory Proceedings
101.402 Intervention of Parties
101.403 Joinder of Parties
101.404 Agency as a Party in Interest
101.406 Consolidation of Claims
101.408 Severance of Claims

SUBPART E: MOTIONS

Section
101.500 Filing of Motions and Responses
101.502 Motions Directed to the Hearing Officer
101.504 Contents of Motions and Responses
101.506 Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading
101.508 Motions to Board Preliminary to Hearing
101.510 Motions to Cancel Hearing
101.512 Motions for Expedited Review
101.514 Motions to Stay Proceedings
101.516 Motions for Summary Judgment
101.518 Motions for Interlocutory Appeal from Hearing Officer Orders
101.520 Motions for Reconsideration
101.522 Motions for Extension of Time

SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

Section
101.600 Hearings
101.602 Notice of Board Hearings
101.604 Formal Board Transcript
101.606 Informal Recordings of the Proceedings
101.608 Default
101.610 Duties and Authority of the Hearing Officer
101.612 Schedule to Complete the Record
101.614 Production of Information
101.616 Discovery
101.618 Admissions
101.620 Interrogatories
101.622 Subpoenas and Depositions

101.624 Examination of Adverse, Hostile, or Unwilling Witnesses
101.626 Information Produced at Hearing
101.627 Electronic Filing of Hearing Exhibits After Adjudicatory or TLWQS Hearing
101.628 Statements from Participants
101.630 Official Notice and Evidence Evaluation
101.632 Viewing of Premises

SUBPART G: ORAL ARGUMENT

Section
101.700 Oral Argument

SUBPART H: SANCTIONS

Section
101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders
101.802 Abuse of Discovery Procedures

SUBPART I: REVIEW OF FINAL BOARD OPINIONS AND ORDERS

Section
101.902 Motions for Reconsideration
101.904 Relief from Final Opinions and Orders
101.906 Judicial Review of Board Orders
101.908 Interlocutory Appeal

SUBPART J: ELECTRONIC FILING AND E-MAIL SERVICE

Section
101.1000 Electronic Filing and E-Mail Service
101.1010 Electronic Filing Authorization and Signatures
101.1020 Filing Electronic Documents
101.1030 Form of Electronic Documents for Filing
101.1040 Filing Fees
101.1050 Documents Required in Paper or Excluded from Electronic Filing
101.1060 E-Mail Service
101.1070 Consenting to Receipt of E-Mail Service

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

101.APPENDIX A Captions
101.ILLUSTRATION A Enforcement Case
101.ILLUSTRATION B Citizen's Enforcement Case
101.ILLUSTRATION C Variance
101.ILLUSTRATION D Adjusted Standard Petition
101.ILLUSTRATION E Joint Petition for an Adjusted Standard
101.ILLUSTRATION F Permit Appeal
101.ILLUSTRATION G Underground Storage Tank Appeal
101.ILLUSTRATION H Pollution Control Facility Siting Appeal
101.ILLUSTRATION I Administrative Citation
101.ILLUSTRATION J Administrative Citation Under Section 23.1 of the Public Water Supply Operations Act
101.ILLUSTRATION K General Rulemaking
101.ILLUSTRATION L Site-specific Rulemaking
101.APPENDIX B Appearance Form
101.APPENDIX C Withdrawal of Appearance Form
101.APPENDIX D Notice of Filing
101.APPENDIX E Affidavit or Certificate of Service
101.ILLUSTRATION A Service by Non-Attorney
101.ILLUSTRATION B Service by Attorney
101.APPENDIX F Notice of Withdrawal (Repealed)
101.APPENDIX G Comparison of Former and Current Rules (Repealed)
101.APPENDIX H Affidavit or Certificate of E-Mail Service
101.ILLUSTRATION A E-Mail Service by Non-Attorney
101.ILLUSTRATION B E-Mail Service by Attorney
101.APPENDIX I Consent to Receipt of E-Mail Service

AUTHORITY: Implementing Sections of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Filed with Secretary of State January 1, 1978; codified 6 Ill. Reg. 8357; Part repealed, new Part adopted in R88-5A at 13 Ill. Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill. Reg. 18677, effective December 12, 1991; amended in R92-7 at 16 Ill. Reg. 18078, effective November 17, 1992; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 446, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8743, effective June 8, 2005; amended in R06-9 at 29 Ill. Reg. 19666, effective November 21, 2005; amended in R07-17 at 31 Ill. Reg. 16110, effective November 21, 2007; amended in R10-22 at 34 Ill. Reg. 19566,

effective December 3, 2010; amended in R12-22 at 36 Ill. Reg. 9211, effective June 7, 2012; amended in R13-9 at 37 Ill. Reg. 1655, effective January 28, 2013; amended in R14-21 at 39 Ill. Reg. 2276, effective January 27, 2015; amended in R15-20 at 39 Ill. Reg. 12848, effective September 8, 2015; amended in R16-17 at 40 Ill. Reg. 7912, effective May 20, 2016; amended in R17-18 at 41 Ill. Reg. 9930, effective July 5, 2017; amended in R19-19 at 43 Ill. Reg. 9674, effective August 22, 2019; amended in R19-1 at 44 Ill. Reg. 14867, effective September 4, 2020.

SUBPART B: DEFINITIONS

Section 101.202 Definitions for Board's Procedural Rules

Unless otherwise provided in 35 Ill. Adm. Code 101 through 130, or unless a different meaning of a word or term is clear from the context, the following definitions also apply to the Board's procedural rules, found in 35 Ill. Adm. Code 101 through 130:

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

"Adjudicatory proceeding" means an action of a quasi-judicial nature brought before the Board under authority granted to the Board by Section 5(d) of the Act or as otherwise provided by law. Adjudicatory proceedings include enforcement, variance, permit appeal, pollution control facility siting appeal, Underground Storage Tank (UST) Fund determination, water well set back exception, adjusted standard, and administrative citation proceedings. Adjudicatory proceedings do not include regulatory, quasi-legislative, informational, or time-limited water quality standard proceedings.

"Adjusted standard" or "AS" means an alternative standard granted by the Board in an adjudicatory proceeding under Section 28.1 of the Act and 35 Ill. Adm. Code 104.Subpart D. The adjusted standard applies instead of the rule or regulation of general applicability.

"Administrative citation" or "AC" means a citation issued by the Agency or by a unit of local government acting as the Agency's delegate. (See 35 Ill. Adm. Code 108.)

"Administrative citation review" or "administrative citation appeal" means a petition for review of an administrative citation. (See 35 Ill. Adm. Code 108.)

"Affidavit" means a sworn, signed statement witnessed by a notary public.

"Agency" means the Illinois Environmental Protection Agency as established by Section 4 of the Act.

"Agency public comment" means information submitted to the Agency on a proposed Agency decision either by oral statement made at an Agency public hearing or written statement submitted to the Agency during the period for comment by the public.

"Agency public hearing" means a public proceeding to provide interested persons an opportunity to understand and comment on a proposed Agency decision.

"Agency public hearing record" means the record of the Agency public hearing, as kept by the Agency.

"Agency recommendation" means the document filed by the Agency under Section 28.1(d)(3), 37(a), or 38.5(g) of the Act in which the Agency provides its recommended disposition of a petition for an adjusted standard, a variance, or a time-limited water quality standard, respectively. This includes a recommendation to deny, or a recommendation to grant with or without conditions. (See 35 Ill. Adm. Code 104.218, 104.416, and 104.550.)

"Agency record" means a record of final Agency decision, as kept by the Agency, of those documents required by the State agency record meeting the applicable requirements of 35 Ill. Adm. Code 105.

"Amicus curiae brief" means a brief filed in a proceeding by any interested person who is not a party. (See Sections 101.110 and 101.628.)

"Applicant" means any person who submits, or has submitted, an application for a permit or for local siting approval under any of the authorities to issue permits or granting of siting approval identified in Sections 39, 39.1, and 39.5 of the Act.

"Article" means *any object, material, device or substance, or whole or partial copy thereof, including any writing, record, document, recording, drawing, sample, specimen, prototype, model, photograph, culture, microorganism, blueprint or map.* [415 ILCS 5/7.1]

"Attorney General" means the Attorney General of the State of Illinois or his or

her representatives.

"Authorized representative" means any person who is authorized to act on behalf of another person.

"Board" means the Illinois Pollution Control Board as created in Section 5 of the Act or, if applicable, its designee.

"Board decision" means an opinion or an order voted in favor of by at least three members of the Board at an open Board meeting except in a proceeding to remove a seal under Section 34(d) of the Act.

"Board designee" means an employee of the Board who has been given authority by the Board to carry out a function for the Board (e.g., the Clerk, Assistant Clerk of the Board, or hearing officer).

"Board meeting" means an open meeting held by the Board under Section 5(a) of the Act in which the Board makes its decisions and determinations.

"Board's procedural rules" means the Board's regulations at 35 Ill. Adm. Code 101 through 130.

"Brief" means a written statement that summarizes the facts of a proceeding, states the pertinent laws, and argues how the laws apply to the facts supporting a position.

"CAAPP" means the Clean Air Act Permit Program, as adopted in Section 39.5 of the Act.

"CAAPP permit" means any permit issued, renewed, amended, modified or revised under Section 39.5 of the Act.

"CAAPP permit appeal" means an appeal of a CAAPP permit as addressed by 35 Ill. Adm. Code 105.

"Certificate of acceptance" means a certification, executed by a successful petitioner in a variance proceeding, in which the petitioner agrees to be bound by all terms and conditions that the Board has affixed to the grant of variance.

"Chairman" means the Chairman of the Board designated by the Governor under Section 5(a) of the Act.

"Citizen's enforcement proceeding" means an enforcement action brought before the Board under Section 31(d) of the Act by any person who is not authorized to bring the action on behalf of the People of the State of Illinois.

"Clean Air Act" or "CAA" *means the* federal *Clean Air Act, as now and hereafter amended* (*42 USC 7401 et seq.).* [415 ILCS 5/39.5]

"Clean Water Act" means the federal Clean Water Act (33 USC 1251 et seq.).

"Clerk" means the Clerk of the Board.

"Clerk's Office On-Line" or "COOL" means the Board's web-based file management system that allows electronic filing of and access to electronic documents in the records of the Board's adjudicatory, regulatory, and time-limited water quality standard proceedings. COOL is located on the Board's website at pcb.illinois.gov.

"Code of Civil Procedure" means 735 ILCS 5.

"Complaint" means the initial filing that begins an enforcement proceeding under Section 31 of the Act and 35 Ill. Adm. Code 103.

"Compliance plan" means a detailed description of a program designed to achieve compliance with the Act and Board regulations.

"Copy" means *any facsimile, replica, photograph or other reproduction of an article, and any note, drawing or sketch made of or from an article.* [415 ILCS 5/7.1]

"Counter-complaint" means a pleading that a respondent files stating a claim against a complainant in an enforcement proceeding. (See 35 Ill. Adm. Code 103.206.)

"Cross-complaint" means a pleading that a party files stating a claim against a co-party in an enforcement proceeding. (See 35 Ill. Adm. Code 103.206.)

"Cross-media impacts" means impacts that concern multiple environmental areas, such as air, land, and water.

"Decision date" means the date of the Board meeting immediately preceding the decision deadline.

"Decision deadline" means the last day of any decision period, as established by law, within which the Board must decide an adjudicatory proceeding. (See Subpart C. See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions respectively.)

"Decision period" means the timeframe established by the Act within which the Board must make a final decision in specified adjudicatory proceedings. (See Subpart C. See also Sections 38(a), 40, and 40.1 of the Act, which establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions, respectively.)

"Deinked stock" *means paper that has been processed to remove inks, clays, coatings, binders and other contaminants.* [415 ILCS 20/2.1]

"Delegated unit" means the unit of local government to which the Agency has delegated its administrative citation or other function under Section 4(r) of the Act.

"Digital signature" means *a type of electronic signature created by transforming an electronic document using a message digest function and encrypting the resulting transformation with an asymmetric cryptosystem using the signer's private key such that any person having the initial untransformed electronic document, the encrypted transformation, and the signer's corresponding public key can accurately determine whether the transformation was created using the private key that corresponds to the signer's public key and whether the initial electronic document has been altered since the transformation was made. A digital signature is a security device.* [5 ILCS 175/5-105]

"Discovery" means a pre-hearing process that can be used to obtain facts and information about the adjudicatory proceeding to prepare for hearing. The discovery tools include depositions upon oral and written questions, written interrogatories, production of documents or things, and requests for admission.

"DNR" means the Illinois Department of Natural Resources.

"DOA" means the Illinois Department of Agriculture.

"Duplicative" means the matter is identical or substantially similar to one brought before the Board or another forum.

"Electronic" includes *electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [5 ILCS 175/5-105]

"Electronic document" means any notice, information, or filing generated, communicated, received or stored by electronic means to use in an information system or to transmit from one information system to another. (See 5 ILCS 175/5-105.)

"Electronic signature" means *a signature in electronic form attached to or logically associated with an electronic document.* [5 ILCS 175/5-105]

"Environmental Management System Agreement" or "EMSA" means the agreement between the Agency and a sponsor, entered into under Section 52.3 of the Act and 35 Ill. Adm. Code 187, that describes the innovative environmental measures to be implemented, schedules to attain goals, and mechanisms for accountability.

"Enforcement proceeding" means an adjudicatory proceeding brought upon a complaint filed under Section 31 of the Act by the Attorney General, State's Attorney, or other persons, in which the complaint alleges violation of the Act, any rule or regulation adopted under the Act, any permit or term or condition of a permit, or any Board order.

"EPRR Act" means the Electronic Products Recycling and Reuse Act [415 ILCS 150].

"Ex parte communication" means *any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the*

Board. For this definition, a time-limited water quality standard proceeding is considered a regulatory matter. *"Ex parte communication" does not include the following:*

> *statements by a person publicly made in a public forum,* including pleadings, transcripts, public comments, and public remarks made part of the proceeding's record;
>
> *statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; and*
>
> *statements made by a State employee of the* Board *to* Board members *or other employees of the* Board. [5 ILCS 430/5-50(b)] For this definition, "Board employee" means a person the Board employs on a full-time, part-time, contract or intern basis. (See Section 101.114.)

"Fast-Track rulemaking" means a Clean Air Act rulemaking conducted under Section 28.5 of the Act.

"Federally required rule" means *a rule that is needed to meet the requirements of the federal Clean Water Act, Safe Drinking Water Act, Clean Air Act (including required submission of a State Implementation Plan), or Resource Conservation and Recovery Act, other than a rule required to be adopted under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, or subsection (a) of Section 22.40.* [415 ILCS 5/28.2]

"Filing" means the act of delivering a document or article into the custody of the Clerk with the intention of incorporating that document or article into the record of a proceeding before the Board. The Clerk's Office is located at 100 West Randolph Street, Suite 11-500, Chicago IL 60601. Electronic filing is done through COOL on the Board's website.

"Final order" means an order of the Board that terminates the proceeding leaving nothing further to litigate or decide and that is subject to judicial review. (See Subpart I.)

"Frivolous" means a request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board

can grant relief.

"Hearing" means a public proceeding conducted by a hearing officer when the parties and other interested persons, as provided for by law and the Board's procedural rules, present evidence and argument regarding their positions.

"Hearing officer" means a person licensed to practice law in the State of Illinois who presides over hearings and otherwise carries out record development responsibilities as directed by the Board.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Identical-in-substance rules" or "identical-in-substance regulations" means *State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois.* [415 ILCS 5/7.2]

"Initial filing" means the filing that initiates a Board proceeding and opens a docket. For instance, the initial filing in an enforcement proceeding is the complaint; in a permit appeal, it is a petition for review; and in a regulatory proceeding, it is the proposal.

"Innovative environmental measures" means any procedures, practices, technologies or systems that pertain to environmental management and are expected to improve environmental performance when applied. (See 35 Ill. Adm. Code 106.Subpart G.)

"Inquiry hearing" means a hearing conducted by the Board to seek input and comment from the public regarding the need for rulemaking on a specific subject.

"Interlocutory appeal" means an appeal of a Board decision to the appellate court that is not dispositive of all the contested issues in the proceeding. (See Section 101.908.) An interlocutory appeal may also be the appeal of a hearing officer ruling to the Board. (See Section 101.518.)

"Intervenor" means a person, not originally a party to an adjudicatory proceeding, who voluntarily participates as a party in the proceeding with the permission of the Board. (See Section 101.402.)

"Intervention" means the procedure by which a person, not originally a party to an adjudicatory proceeding, voluntarily comes into the proceeding as a party with the permission of the Board. (See Section 101.402.)

"JCAR" means the Illinois General Assembly's Joint Committee on Administrative Rules established by the IAPA (see 5 ILCS 100/5-90).

"Joinder" means the procedure by which the Board adds a person, not originally a party to an adjudicatory proceeding, as a party to the proceeding. (See Section 101.403 and 35 Ill. Adm. Code 103.206.)

"Misnomer" means a mistake in the name of a properly included party.

"Motion" means a request made to the Board or the hearing officer for obtaining a ruling or order directing or allowing some act to be done in favor of the movant. (See definition of "movant" in this Section.)

"Movant" means the person who files a motion.

"New pollution control facility" means *a pollution control facility initially permitted for development or construction after July 1, 1981; or the area of expansion beyond the boundary of a currently permitted pollution control facility; or a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.* [415 ILCS 5/3.330(b)]

"Non-disclosable information" means *information which constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communications of the several agencies; information concerning secret manufacturing processes or confidential data submitted by any person under the Act.* [415 ILCS 5/7(a)]

"Notice list" means the list of persons in a regulatory or time-limited water quality standard proceeding who will receive all Board opinions and orders and all hearing officer orders. Persons on a notice list generally do not receive copies of motions, public comments, or testimony. (See definition of "service list" in this Section. See also 35 Ill. Adm. Code 102.422 and 104.520(b)(4).)

"Notice to reinstate" means a document filed that restarts the decision period after

a decision deadline waiver has been filed. The notice will give the Board a full decision period in which to make a decision. (See Section 101.308.)

"Oral argument" means a formal verbal statement of advocacy on a proceeding's legal questions made at a Board meeting with the Board's permission. (See Section 101.700.)

"OSFM" means Office of the State Fire Marshal.

"OSFM appeal" means an appeal of an OSFM final decision concerning eligibility and deductibility made under Title XVI of the Act.

"OSFM record" means a record of final OSFM decision, as kept by the OSFM, of those documents of the OSFM that constitute the OSFM record relating to the eligibility and deductible decision and meeting the applicable requirements of 35 Ill. Adm. Code 105.

"Participant" means any person, not including the Board or its staff, who takes part in an adjudicatory proceeding but is not a party, or who takes part in a regulatory or other quasi-legislative proceeding or a time-limited water quality standard proceeding before the Board. A person becomes a participant in any of several ways, including filing a comment, being added to the proceeding's notice list, testifying at hearing, or making public remarks at a Board meeting. The participants in a time-limited water quality standard proceeding include the petitioner and the Agency and are further described at 35 Ill. Adm. Code 104.520(b).

~~"Participant in a CAAPP Comment Process" means a person who takes part in a Clean Air Act Permit Program (CAAPP) permit hearing before the Agency or comments on a draft CAAPP permit.~~

"Party" means the person by or against whom an adjudicatory proceeding is brought or who is granted party status by the Board through intervention or joinder.

"Party in interest" means the Agency when asked to conduct an investigation under Section 30 of the Act during an ongoing proceeding. (See Section 101.404.)

"Peremptory rulemaking" means *any rulemaking that is required as a result of federal law, federal rules and regulations, or an order of a court, under conditions that preclude compliance with the general rulemaking requirements of Section 5-40 of the IAPA and that preclude the exercise by the* Board *as to the content of the rule it is required to adopt.* [5 ILCS 100/5-50]

"Permit appeal" means an adjudicatory proceeding brought before the Board under Title X of the Act.

"Person" means *any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.* [415 ILCS 5/3.315]

"Petition" means the initial filing in an adjudicatory proceeding (other than an enforcement proceeding) or a time-limited water quality standard proceeding.

"Pilot project" means an innovative environmental project that covers one or more designated facilities, designed and implemented in the form of an EMSA. (See Section 52.3 of the Act.)

"Pollution control facility" is defined at Section 3.330(a) of the Act for this Part and 35 Ill. Adm. Code 107.

"Pollution control facility siting appeal" means an appeal of a decision made by a unit of local government filed with the Board under Section 40.1 of the Act.

"Postconsumer material" means *paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after the waste has been passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage.* Additionally, it includes *all paper, paperboard, and other fibrous wastes that are diverted or separated from the municipal solid waste stream.* [415 ILCS 20/3(f)(2)(i) and (ii)] (See also definition of "recycled paper" in this Section.)

"Prehearing conference" means a meeting held in an adjudicatory case or a time-limited water quality standard proceeding to determine the status of the proceedings. A prehearing conference may also be a meeting held in a regulatory proceeding prior to the hearing, the purposes of which *shall be to maximize*

understanding of the intent and application of the proposal, if possible, and to attempt to identify and limit the issues of disagreement among participants to promote efficient use of time at hearing. [415 ILCS 5/27(d)] (See 35 Ill. Adm. Code 102.404 and 102.406.)

"Proceeding" means an action conducted before the Board under authority granted by Section 5 of the Act or as otherwise provided by law. Board proceedings are generally of two types: quasi-legislative (rulemaking and inquiry proceedings) and quasi-judicial (adjudicatory proceedings). A time-limited water quality standard proceeding is neither adjudicatory nor subject to rulemaking procedural requirements. (See 415 ILCS 5/38.5(a), (l).).

"Proponent" means any person, not including the Board or its staff, who submits a regulatory proposal to the Board for the adoption, amendment, or repeal of a regulation.

"Provisional variance" means a short-term variance sought by an applicant and issued by the Agency under Section 35(b) of the Act. (See 35 Ill. Adm. Code 104.Subpart C.)

"PSD" means the Prevention of Significant Deterioration of Air Quality program as authorized by Section 9.1(c) of the Act and as adopted by 35 Ill. Adm. Code 204.

"PSD permit" means any PSD permit issued, extended or revised under Section 9.1(c) of the Act and 35 Ill. Adm. Code 204.

"PSD permit appeal" means an appeal of a PSD permit as addressed by 35 Ill. Adm. Code 105.

"Public comment" means information submitted to the Board during a pending proceeding either by oral statement made at hearing or written statement filed with the Board.

"Public remarks" mean an oral statement that is publicly made at a Board meeting and directed to the Board concerning a proceeding listed on that meeting's agenda. (See Section 101.110(d).)

"PWSO Act" means the Public Water Supply Operations Act [415 ILCS 45].

"Qualitative description" means a narrative description pertaining to attributes and characteristics.

"Quantitative description" means a numerically based description pertaining to attributes and characteristics.

"RCRA variance" means a variance from a RCRA rule or a RCRA permit required under Section 21(f) of the Act.

"Record" means the official collection, as kept by the Clerk, of all documents and exhibits including pleadings, transcripts, and orders filed during a proceeding.

"Recycled paper" means paper that contains at least 50% recovered paper material. The recovered paper material must contain at least 45% deinked stock or postconsumer material. (See also "postconsumer material" in this Section.)

"Regulatory hearing" or "proceeding" means a hearing or proceeding held under Title VII of the Act or other applicable law regarding regulations.

"Regulatory relief mechanisms" means variances, provisional variances, adjusted standards, and time-limited water quality standards. (See 35 Ill. Adm. Code 104.)

"Representing" means, for Part 130, *describing, depicting, containing, constituting, reflecting or recording.* [415 ILCS 5/7.1]

"Requester" means, for Part 130, the person seeking from the agency the material claimed or determined to be a trade secret (see 415 ILCS 5/7.1).

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

"Responsible Operator in Charge" means an individual who is designated as a Responsible Operator in Charge of a community water supply under Section 1 of the PWSO Act.

"Rulemaking" or "rulemaking proceeding" means a proceeding brought under Title VII of the Act or other applicable law to adopt, amend, or repeal a

regulation.

"Sanction" means a penalty or other mechanism used by the Board to provide incentives for compliance with the Board's procedural rules, Board orders or hearing officer orders. (See also Subpart H.)

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

"Service" means delivery of a document upon a person. (See Sections 101.300(c) and 101.304.)

"Service list" means the list of persons designated by the hearing officer or Clerk in a regulatory, adjudicatory, or time-limited water quality standard proceeding upon whom parties or participants must serve motions, prefiled questions, prefiled testimony, and any other documents that the parties or participants file with the Clerk unless the hearing officer otherwise directs. (See definition of "notice list" in this Section. See also 35 Ill. Adm. Code 102.422.)

"Severance" means the separation of a proceeding into two or more independent proceedings, each of which terminates in a separate, final judgment.

"Site-specific rule or regulation" means a proposed or adopted regulation, not of general applicability, that applies only to a specific facility, geographic site, or activity. (See 35 Ill. Adm. Code 102.208.)

"Sponsor" means the proponent of a pilot project that enters into an EMSA with the Agency.

"State enforcement proceeding" means an enforcement proceeding, other than a citizen's enforcement proceeding, that is brought under Section 31 of the Act.

"Stay" means a temporary suspension of the regular progress of a proceeding under an order of the Board or by operation of law. (See Section 101.514.)

"Subpoena" means a command to appear at a specified time and place to testify on a specified matter.

"Subpoena duces tecum" means a document that compels the production of specific documents and other items at a specified time and place.

"Summary judgment" means the disposition of an adjudicatory proceeding without hearing when the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law. (See Section 101.516.)

"Third-party complaint" means a pleading that a respondent files stating a claim against a person who is not already a party to the enforcement proceeding. (See 35 Ill. Adm. Code 103.206.)

"Time-Limited Water Quality Standard" or "TLWQS" means a time-limited designated use and criterion for a specific pollutant or water quality parameter that reflects the highest attainable condition during the term of that relief. (See 35 Ill. Adm. Code 104.Subtitle E.)

"Trade secret" means *the whole or any portion or phase of any scientific or technical information, design, process (including a manufacturing process), procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value. A trade secret is presumed to be secret when the owner thereof takes reasonable measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.* [415 ILCS 5/3.490]

"Transcript" means the official recorded testimony from a hearing or public remarks from a Board meeting.

"USEPA" means the United States Environmental Protection Agency.

"Underground storage tank appeal" or "UST appeal" means an appeal of an Agency final decision made under Title XVI of the Act.

"UST" means underground storage tank.

"Variance" means a temporary exemption from any specified regulation, requirement, or order of the Board granted to a petitioner by the Board under Title IX of the Act *upon presentation of adequate proof that compliance with the rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship.* [415 ILCS 5/35(a)]

"Waiver" means the intentional relinquishing of a known right, usually regarding a hearing before the Board or entry of a Board decision within the decision period. (See also Section 101.308.)

"Website" means the Board's computer-based informational and filing service accessed on the Internet at pcb.illinois.gov.

(Source: Amended at 44 Ill. Reg. 14867, effective September 4, 2020)

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE OF DOCUMENTS, AND STATUTORY DECISION DEADLINES

Section 101.302 Filing of Documents

a) This Section contains the Board's general filing requirements. Additional requirements may exist for specific proceedings elsewhere in the Board's procedural rules (see 35 Ill. Adm. Code 101 through 130). The Clerk will refuse for filing any document that does not comply with the minimum requirements of this Section.

b) All documents to be filed with the Board must be filed with the Clerk.

1) If allowed by the Board, the hearing officer, the Clerk, or the procedural rules to be filed in paper under subsection (h), documents must be filed at the following address:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

2) All documents filed with the Clerk must provide the name and signature of the person seeking to file the document and identify the name of the person on whose behalf the document is being filed. If a paper document is submitted for filing, the original must bear the original pen-and-ink signature of the person seeking to file the document. Signatures for electronic filings through COOL are addressed in Section 101.1010.

3) Each document being filed with the Clerk must be accompanied by a notice of filing (see Appendix D) and documentation of service (see Section 101.304(d)).

4) The date on which a document is considered to have been filed is determined under Section 101.300(b).

5) Serving a document upon a hearing officer does not qualify as filing it with the Clerk unless the document is submitted to the hearing officer during a hearing.

c) Electronic documents may be filed through COOL under Subpart J. Paper documents may be filed with the Clerk by U.S. Mail, in person, or by third-party commercial carrier.

d) A filing by e-mail or facsimile will only be allowed with the prior approval of the Clerk of the Board or the hearing officer assigned to the proceeding. Any prior approval by the Clerk or hearing officer applies only to the specified filing.

e) The initial filings listed in this subsection require filing fees and will only be considered filed when accompanied by the appropriate fee. The fee may be paid in the form of government voucher, money order, or check made payable to the Illinois Pollution Control Board, or electronically through COOL with a valid credit card, but cannot be paid in cash.

1) Petition for Site-Specific Regulation, $75;

2) Petition for Variance, $75;

3) Petition for Review of Agency Permit Decision, UST Decision, or any other appeal filed under Section 40 or 40.3 of the Act, $75;

4) Petition to Review Pollution Control Facility Siting Decisions, under Section 40.1 of the Act, $75;

5) Petition for Adjusted Standard, under Section 28.1 of the Act, $75; and

6) Petition for TLWQS, under Section 38.5, $75.

f) For each document filed with the Clerk, the filing party must serve a copy of the document upon the other parties and, if a hearing officer has been assigned, upon the hearing officer in compliance with Section 101.304.

g) All documents filed with the Board must contain the relevant proceeding caption and docket number. All documents must be submitted on or formatted to print on 8½ x 11 inch paper, except as provided in subsection (j). Paper documents must be submitted on recycled paper as defined in Subpart B, and double sided. All pages in a document must be sequentially numbered. All documents created by word processing programs must be formatted as follows:

1) The margins must each be a minimum one inch on the top, bottom, and both sides of the page; and

2) The size of the type in the body of the text must be at least 12-point font, and in footnotes at least 10-point font.

h) Unless the Board, the hearing officer, the Clerk, or the procedural rules provide otherwise, all documents must be filed through COOL electronically.

1) If a document is filed in paper, the original and two copies of the document (three total) are required. If a document is filed through COOL in compliance with Subpart J, no paper original or copy of the document is required.

2) The following documents must be filed through COOL or on compact disk or other portable electronic data storage device, comply with Section 101.1030(g), and, to the extent technically feasible, be in text-searchable Adobe PDF:

A) The Agency record required by 35 Ill. Adm. Code 105.212, 105.302, ~~or~~ 105.410, or 105.612 or 35 Ill. Adm. Code 125.208 (see 35 Ill. Adm. Code 105.116);

B) The OSFM record required by 35 Ill. Adm. Code 105.508 (see 35 Ill. Adm. Code 105.116);

C) The local siting authority record required by 35 Ill. Adm. Code 107.302 (see 35 Ill. Adm. Code 107.304); and

D) A petition filed under 35 Ill. Adm. Code 104 or 35 Ill. Adm. Code 106 (see 35 Ill. Adm. Code 104.106 and 35 Ill. Adm. Code 106.106).

3) A document containing information claimed or determined to be a trade secret, or other non-disclosable information under 35 Ill. Adm. Code 130, is prohibited from being filed electronically and must instead be filed only in paper. The version of the document that is redacted under 35 Ill. Adm. Code 130 must be filed through COOL.

4) When filing a rulemaking proposal, if any document protected by copyright law (17 USC 101 et seq.) is proposed under Section 5-75 of the IAPA [5 ILCS 100/5-75] to be incorporated by reference, the copyrighted document is prohibited from being filed electronically, but the remainder of the rulemaking proposal must be filed through COOL. In addition, the rulemaking proponent must:

A) File a paper original of the copyrighted document. The rulemaking proposal also must include:

i) The copyright owner's written authorization for the Board to make, at no charge to the Board, no more than a total of two paper copies of the copyrighted document if the Board is required by State law to furnish a copy to JCAR, a court, or a member of the public during or after the rulemaking; or

ii) The proponent's representation that it will, at its own expense, promptly acquire and deliver to the Clerk's Office no more than a total of two paper originals of the copyrighted document if the Clerk's Office notifies the proponent in writing that the Board is required by State law to furnish a copy to JCAR, a court, or a member of the public during or after the rulemaking; or

B) File a license or similar documentation of access that, at no charge to the Board, gives the Board the rights, during and after the rulemaking, to do the following: electronically access the

copyrighted document from the sole designated computer at the Board's Chicago office; print a single copy of the copyrighted document to maintain at the Board's Chicago office; and print no more than a total of two copies of the copyrighted document if the Board is required by State law to furnish a copy to JCAR, a court, or a member of the public.

i) No written discovery, including interrogatories, requests to produce, and requests for admission, or any response to written discovery, may be filed with the Clerk of the Board except with permission or direction of the Board or hearing officer. Any discovery request under these rules to any nonparty must be filed with the Clerk of the Board in compliance with subsection (h).

j) Oversized Exhibits. When practicable, oversized exhibits must be reduced to conform to or be formatted to print on 8½ x 11-inch paper for filing with the Clerk's Office. However, even when an oversized exhibit is so reduced or formatted, the original oversized exhibit still must be filed with the Clerk's Office. In compliance with 2 Ill. Adm. Code 2175.300, the original oversized exhibit may be returned to the person who filed it.

k) Page Limitation. No motion, brief in support of a motion, or brief may exceed 50 pages, and no amicus curiae brief may exceed 20 pages, without prior approval of the Board or hearing officer. These limits do not include appendices containing relevant material; however, materials that may be readily available to the Board, such as prior Board opinions and orders, federal regulations, and statutes, need not be included in appendices.

l) Documents filed that do not comply with 35 Ill. Adm. Code.Subtitle A may be rejected by the Clerk or the hearing officer. Any rejection of a filing will include a description of the Board's rules that have not been met.

(Source: Amended at 44 Ill. Reg. 14867, effective September 4, 2020)

Section 101.308 Statutory Decision Deadlines and Waiver of Deadlines

a) Petitions in the following proceedings each have a 120-day statutory decision deadline: Variances (Section 38 of the Act), Permit Appeals and UST appeals (Section 40 of the Act), ~~and~~ Pollution Control Facility Siting Review (Section 40.1 of the Act), CAAPP permit appeals (Section 40.2 of the Act), and PSD

permit appeals (Section 40.3 of the Act). Other adjudicatory proceedings may be subject to decision deadlines as provided by law.

b) When the petitioner does not waive the decision deadline, the Board will proceed expeditiously to establish all hearing and filing requirements. Willful or unexcused failure to follow Board requirements on the deadlines will subject the party to sanctions under Subpart H. This Section will be strictly construed when there is a decision deadline unless the Board receives a waiver under subsection (c).

c) All waivers of a deadline for Board action must be filed as a separate document. Waivers must be titled and state which type of waiver it is, identify the proceeding by name and docket number, and be signed by the party or by an authorized representative or attorney. A waiver of a statutory deadline does not preclude the Board from issuing an opinion or order prior to any decision deadline, nor does it preclude the filing of a motion seeking a decision on the matter.

1) An open waiver waives the decision deadline completely and unequivocally until the petitioner elects to reinstate the 120-day decision period by filing a notice to reinstate. Upon proper filing of the notice, the decision period is reinstated. Under Section 101.300(b)(4), the decision period restarts on the date on which the notice to reinstate is filed with the Board.

2) A time certain waiver must be expressed in length of days or to a specific calendar date. If expressed in length of days, day one will be the first day after the date upon which the current time clock expires. If the petitioner files a time certain waiver before the hearing date, the waiver must be for at least 40 days. If the extension is not renewed for at least 40 days prior to the decision deadline, the Board will set the matter for hearing.

(Source: Amended at 44 Ill. Reg. 14867, effective September 4, 2020)

SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

Section 101.610 Duties and Authority of the Hearing Officer

The hearing officer has the duty to manage proceedings assigned, to set hearings, to conduct a

fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear, complete, and concise record for timely transmission to the Board. The hearing officer has all powers necessary to these ends, including the authority to:

a) Require parties to proceed to hearing and establish a schedule for, and notice and service of, any prefiled submission of testimony and written exhibits;

b) Administer oaths and affirmations;

c) Allow for the examination of or examine witnesses to ensure a clear and complete record;

d) Regulate the course of the hearing, including controlling the order of proceedings;

e) Establish reasonable time limits on the testimony and questioning of any witness, and limit repetitive or cumulative testimony and questioning;

f) Determine that a witness is adverse, hostile, or unwilling under Section 101.624;

g) Issue an order compelling the answers to interrogatories or responses to other discovery requests;

h) Order the production of evidence under Section 101.614;

i) Order the filing of any required Agency record, OSFM record, local siting authority record, or recommendation in a manner that provides for a timely review and development of issues prior to the hearing and consistent with any statutory decision deadline;

j) Initiate, schedule, and conduct a pre-hearing conference;

k) Order a briefing and comment schedule and exclude late-filed briefs and comments from the record;

l) Rule upon objections and evidentiary questions;

m) Order discovery under Sections 101.614 and 101.616;

n) Rule on any motion directed to the hearing officer or deferred to the hearing

officer by the Board consistent with Section 101.502;

o) Set status report schedules;

p) Require all participants in a rulemaking or TLWQS proceeding to state their positions regarding the proposal or petition, as applicable; and

q) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence.

(Source: Amended at 44 Ill. Reg. 14867, effective September 4, 2020)

Section 101.626 Information Produced at Hearing

In compliance with Section 10-40 of the IAPA, the hearing officer will admit evidence that is admissible under the rules of evidence as applied in the civil courts of Illinois, except as otherwise provided in this Part or 35 Ill. Adm. Code 105.

a) Evidence. The hearing officer may admit evidence that is material, relevant, and would be relied upon by prudent persons in the conduct of serious affairs, unless the evidence is privileged.

b) Admissibility of Evidence. When the admissibility of evidence depends upon a good faith argument as to the interpretation of substantive law, the hearing officer will admit the evidence.

c) Scientific Articles and Treatises. Relevant scientific or technical articles, treatises, or materials may be introduced into evidence by a party. The materials are subject to refutation or disputation through introduction of documentary evidence or expert testimony.

d) Written Testimony. Written testimony may be introduced by a party in a hearing only if provided to all other parties of record before the date of the hearing and only after the opposing parties have had an opportunity to object to the written testimony and to obtain a ruling on the objections before its introduction. Written testimony may be introduced by a party only if the persons whose written testimony is introduced are available for cross-examination at hearing.

e) Admission of Business Records. A writing or record, whether in the form of any

entry in a book or otherwise made as a memorandum or record of any act, transaction, occurrence, or event, may be admissible as evidence of the act, transaction, occurrence, or event. To be admissible, the writing or record must have been made in the regular course of business, if it was the regular course of business to make the memorandum or record at the time of the act, transaction, occurrence, or event, or within a reasonable time afterwards. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be admitted to affect the weight of the evidence, but will not affect admissibility. The term "business," as used in this subsection (e), includes businesses, professions, occupations, and callings of every kind.

f) Prior Inconsistent Statements. Prior statements made under oath may be admitted to impeach a witness if the statement is inconsistent with the witness' testimony at hearing.

g) Oral and Written Statements. Oral and written statements from participants may be taken at hearing under Section 101.628.

(Source: Amended at 44 Ill. Reg. 14867, effective September 4, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Appeals of Final Decisions of State Agencies

2) Code Citation: 35 Ill. Adm. Code 105

3)

Section Numbers:	Adopted Actions:
105.104	Amendment
105.108	Amendment
105.112	Amendment
105.116	Amendment
150.118	Amendment
105.200	Amendment
105.210	Amendment
105.212	Amendment
105.214	Amendment
105.302	Amendment
105.304	Amendment
105.410	Amendment
105.412	Amendment
105.508	Amendment
105.600	New Section
105.602	New Section
105.604	New Section
105.606	New Section
105.608	New Section
105.610	New Section
105.612	New Section
105.614	New Section

4) Statutory Authority: Implementing Section 9.1 and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/9.1, 27 and 28].

5) Effective Date of Rules: September 4, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov/) and are also on file and available for public inspection in the

Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 4347; March 20, 2020

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

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications to the first-notice proposal.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

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

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

15) Summary and Purpose of Rulemaking: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 204 of its air pollution rules to create a Prevention of Significant Deterioration (PSD) permitting program. IEPA intends that its proposal will allow it to assume responsibility for PSD permitting from the United States Environmental Protection Agency and also allow the Board to assume responsibility for appeals of PSD permits issued by IEPA. IEPA states that its proposal meets requirements to establish such a program under Section 9.1(c) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/9.1(c) (2018)]; see PA 99-463, eff. Jan. 1, 2016.

IEPA proposed to amend existing Part 105 of the Board's procedural rules for appeals of state agency decisions to conform with the new Part 204 and accommodate PSD permit appeals.

The Board's first-notice, second-notice, and adoption opinions and orders in this rulemaking may be viewed and downloaded on the Board's website (https://pcb.illinois.gov/).

16) Information and questions regarding these adopted rules shall be directed to:

Tim Fox
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

100 W. Randolph St., Suite 11-500
Chicago IL 60601

312/814-6931
tim.fox@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (https://pcb.illinois.gov/). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R19-01 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 105
APPEALS OF FINAL DECISIONS OF STATE AGENCIES

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105.APPENDIX A Agency LUST Final Decisions that are Reviewable (Repealed)
105.APPENDIX B Comparison of Former and Current Rules (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Authorized by Sections 26 and 27 of the Environmental Protection Act [415 ILCS 5/26 and 27] and implementing Sections 5, 39, 39.5, 40, 40.1, 40.2, and 57 of the Act [415 ILCS 5/5, 39, 39.5, 40, 40.1, 40.2 and 57].

SOURCE: Filed with Secretary of State January 1, 1978; amended 4 Ill. Reg. 52, page 41, effective December 11, 1980; codified 6 Ill. Reg. 8357; amended in R93-24 at 18 Ill. Reg. 4244, effective March 8, 1994; amended in R94-11 at 18 Ill. Reg. 16594, effective November 1, 1994; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 406, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8811, effective June 8, 2005; amended in R14-21 at 39 Ill. Reg. 2369, effective January 27, 2015; amended in R16-17 at 40 Ill. Reg. 7980, effective May 20, 2016; amended in R17-18 at 41 Ill. Reg. 10084, effective July 5, 2017; amended in R19-1 at 44 Ill. Reg. 14897, effective September 4, 2020.

SUBPART A: GENERAL PROVISIONS

Section 105.104 Definitions

a) Act means the Illinois Environmental Protection Act [415 ILCS 5].

b) Nonattainment New Source Review or NaNSR means Illinois' rules for Major Stationary Sources Construction and Modification (MSSCAM) at 35 Ill. Adm. Code 203.

c) Other~~For the purpose of this Part,~~ words and terms will have the meanings as defined in 35 Ill. Adm. Code 101.Subpart B unless otherwise provided, or unless the context clearly indicates otherwise.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.108 Dismissal of Petition

A petition is subject to dismissal if the Board determines that:

a) The petition does not contain the informational requirements set forth in Section 105.210, 105.304, 105.408, ~~or~~ 105.506, or 105.608;

b) The petition is untimely under Section 105.206, 105.302, 105.404, ~~or~~ 105.504, or 105.606;

c) The petitioner fails to timely comply with any order issued by the Board or the hearing officer, including an order requiring additional information;

d) The petitioner does not have standing under applicable law to petition the Board for review of the State agency's final decision; or

e) Other grounds exist that bar the petitioner from proceeding.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.112 Burden of Proof

Unless this Part provides otherwise:

a) *The burden of proof shall be on the petitioner* except as provided in subsection (b). ~~of this Section~~ [415 ILCS 5/40(a)(1), 40(b) and (e)(3), ~~and~~ 40.2(a), and 40.3(a)(2)]~~.~~

b) The burden of proof is on the Agency if *the Agency issues an NPDES permit that imposes limits which are based upon a criterion or denies a permit based upon application of a criterion, then the Agency shall have the burden of going forward with the basis for the derivation of those limits or criterion which were derived under the Board's rules.* [415 ILCS 5/40(a)(1)]

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.116 Agency or OSFM Record Filing

a) The State agency must file with the Board the entire record of the Agency's or OSFM's~~its~~ decision, as applicable, within 30 days after the filing of the petition for review, unless this Part provides otherwise, or the Board or hearing officer orders a different filing date. If the Agency or OSFM~~State agency~~ wishes to seek additional time to file its~~the~~ record, it must file a request for extension before the date on which its~~the~~ record is due to be filed. Under 35 Ill. Adm. Code 101.302(h)(2), each~~the State~~ agency must file its~~the~~ record through COOL or on compact disk or other portable electronic data storage device and, to the extent technically feasible, in text-searchable Adobe PDF. The record also must meet the requirements of 35 Ill. Adm. Code 101.Subpart J.

b) The Agency record or OSFM record, as applicable, must be arranged in chronological sequence, or by category of material and chronologically within each category, and must be sequentially numbered with the letter "R" placed before the number of each page. This page number must appear in the top right corner of each page. The Agency record or OSFM record must be certified by the applicable State agency. The certification must be entitled "Certificate of Record on Appeal". The Certificate must contain an index that lists the documents comprising the Agency record or OSFM record and shows the page numbers upon which each document starts and ends. The Certificate of Record must be served on all parties by the State agency.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.118 Sanctions for Non-Compliant Filing of the Agency Record or the OSFM Record

If the Agency or OSFM~~State agency~~ unreasonably fails to timely file its~~the~~ record on or before the date required under this Part, or unreasonably fails to prepare the record in accordance with this Part and 35 Ill. Adm. Code 101.Subpart J, the Board may sanction the relevant State agency in accordance with 35 Ill. Adm. Code 101.Subpart H.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

SUBPART B: APPEAL OF AGENCY PERMIT DECISIONS AND OTHER FINAL DECISIONS OF THE AGENCY

Section 105.200 Applicability

This Subpart applies to any appeal to the Board of the Agency's final permit decisions and other final decisions of the Agency, except:

a) When the appeal is of a final CAAPP decision of the Agency, which is addressed in Subpart C~~ of this Part~~; ~~and~~

b) When the appeal is of a final leaking underground storage tank decision of the Agency, which is addressed in Subpart D~~ of this Part~~; and~~.~~

c) When the appeal is of a final PSD permit decision of the Agency, which is addressed in Subpart F.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.210 Petition Content Requirements

In addition to the requirements of 35 Ill. Adm. Code 101.Subpart C, the petition must include:

a) The Agency's final decision or issued permit;

b) A statement specifying the date of issuance or service of the Agency's final decision or issued permit, as applicable under Section 105.206;

c) A statement specifying the grounds of appeal; and

d) For petitions under Section 105.204(b), *a demonstration that the petitioner raised the issues contained within the petition during the public notice period or during the* Agency *public hearing on the NPDES permit application, if* an Agency~~a~~ *public hearing was held, and a demonstration that the petitioner is so situated as to be affected by the permitted facility.* [415 ILCS 5/40(e)(2)]

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.212 The Agency Record

a) The Agency must file its entire Agency record of ~~its~~ decision with the Clerk in accordance with Section 105.116.

b) The Agency record must include:

1) Any permit application or other request that resulted in the Agency's final decision;

2) Correspondence with the petitioner and any documents or materials submitted by the petitioner to the Agency related to the permit application;

3) The permit denial letter that conforms to the requirements of Section 39(a) of the Act or the issued permit or other Agency final decision;

4) The Agency public hearing record~~file~~ of any Agency public hearing that

may have been held before the Agency, including any transcripts and exhibits; and

5) Any other information the Agency relied upon in making its final decision.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.214 Board Hearing

a) Except as provided in subsections (b), (c) and (d), the Board will conduct a public hearing, in accordance with 35 Ill. Adm. Code 101.Subpart F, upon an appropriately filed petition for review. The hearing will be based exclusively on the Agency record before the Agency at the time the permit or decision was issued, unless the parties agree to supplement the Agency record under Section 40(d) of the Act. If any party desires to introduce evidence before the Board with respect to any disputed issue of fact, the Board will conduct a separate hearing and receive evidence with respect to the issue of fact.

b) The Board will not hold a hearing on a petition for review under this Subpart if the Board disposes of the petition on a motion for summary judgment brought under 35 Ill. Adm. Code 101.516.

c) The Board will not hold a hearing on a petition for review under Section 105.204(c) if the Board determines that:

1) The petition is duplicative or frivolous; or

2) The petitioner is so located as to not be affected by the permitted facility.

d) The Board will not hold a hearing on a petition for review under Section 105.204(b) or (d) if the Board determines that the petition is duplicative or frivolous.

e) If the Board determines to hold a hearing, the Clerk will give notice of the hearing under 35 Ill. Adm. Code 101.602.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

SUBPART C: CAAPP PERMIT APPEALS

Section 105.302 General Requirements

a) The definitions of 35 Ill. Adm. Code 101.202 and Section 39.5 of the Act will apply to this Subpart unless otherwise provided, or unless the context clearly indicates otherwise.

b) If the Agency denies a CAAPP permit, permit modification, or permit renewal, it must provide to USEPA, the permit applicant and, upon request, affected states, any person who participated in the public comment process, and any other person who could obtain judicial review under Section 41(a) of the Act [415 ILCS 5/41(a)] a copy of each notification of denial pertaining to the permit applicant.

c) The applicant, any person who participated in the public comment process under Section 39.5(8) of the Act, or any other person who could obtain judicial review under Section 41(a) of the Act may contest the decisions of the Agency enumerated in this subsection (c) by filing with the Clerk a petition for review of the Agency's action in accordance with this Section:

1) Denial of a CAAPP permit, including a permit revision or permit renewal, or a determination of incompleteness regarding a submitted CAAPP application;

2) Issuance of a CAAPP permit with one or more conditions or limitations;

3) Failure of the Agency to act on an application for a CAAPP permit, permit renewal, administrative permit amendment, or significant permit modification within the time frames specified in Section 39.5(5)(j) or Section 39.5(13) of the Act, as applicable; or

4) Failure of the Agency to take final action within 90 days after receipt of an application requesting minor permit modification procedures (or 180 days for modifications subject to group processing requirements) under Section 39.5(14) of the Act.

d) For purposes of this Subpart, a person who participated in the Agency public comment process is someone who, during the Agency public comment period, either commented on the draft permit, submitted written comments, or requested notice of the final action on a specific permit application.

e) The petition filed under subsection (c) must be filed within 35 days after the Agency's final permit action unless:

1) The petition is based solely on grounds arising after the 35 day period expires, in which case the petition may be filed within 35 days after the new grounds for review arise.

2) The applicant is challenging the Agency's failure to timely take final action under Section 39.5 of the Act, in which case the petition must be filed before the Agency takes the final action.

3) However, under no circumstances may a petition challenging the final permit action on a Phase II acid rain permit be filed more than 90 days subsequent to the final permit action.

f) The Agency must appear as respondent at the hearing, and must file, within 30 days after service of the petition, an answer consisting of the entire Agency record of the application, including the CAAPP permit application, the Agency public hearing record, the CAAPP permit denial or issuance letter, and correspondence with the applicant concerning the CAAPP permit application.

g) The Clerk will give notice of the petition and hearing in accordance with 35 Ill. Adm. Code 101.

h) The proceeding will be conducted in accordance with 35 Ill. Adm. Code 101.

i) *The Agency shall notify USEPA, in writing, of any petition for hearing brought under this Part involving a provision or denial of a Phase II acid rain permit within 30 days of the filing of the petition. USEPA may intervene as a matter of right in any such hearing. The Agency shall notify USEPA, in writing, of any determination or order in a hearing brought under this Section that interprets, voids, or otherwise relates to any portion of a Phase II acid rain permit.* [415 ILCS 5/40.2(e)]

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.304 Petition Content Requirements

a) The petition must include:

1) A~~a~~ concise description of the CAAPP source for which the permit is sought;

2) A~~a~~ statement of the Agency's decision or part thereof to be reviewed;

3) A~~a~~ justification as to why the Agency's decision or part thereof was in error; and

4) The~~the~~ other materials upon which the petitioner relies in its petition.

b) The petition may include a request to stay the effectiveness of a denial of the CAAPP permit until final action is taken by the Board under Section 40.2 of the Act.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

SUBPART D: APPEAL OF AGENCY LEAKING UNDERGROUND STORAGE TANK (LUST) DECISIONS

Section 105.410 The Agency Record

a) The Agency must file the entire Agency record of its decision with the Board in accordance with Section 105.116.

b) The record must include:

1) The plan or budget submittal or other request that requires an Agency decision;

2) Correspondence with the petitioner and any documents or materials submitted by the petitioner to the Agency related to the plan or budget submittal or other request;

3) The final determination letter; and

4) Any other information the Agency relied upon in making its determination.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.412 Board Hearing

The Board will conduct a public hearing in accordance with 35 Ill. Adm. Code 101.Subpart F, including any hearing held by videoconference (see 35 Ill. Adm. Code 101.600(b)), upon an appropriately filed petition for review, unless a petition is disposed of by a motion for summary judgment brought under 35 Ill. Adm. Code 101.516. The hearing will be based exclusively on the Agency record before the Agency at the time the permit or decision was issued.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

SUBPART E: APPEAL OF OSFM LUST DECISIONS

Section 105.508 OSFM Record and Appearance

a) Within 14 days after a petition for review of an OSFM eligibility or deductible~~deductibility~~ determination, the attorney representing the OSFM must file an appearance with the Board.

b) The OSFM must file the entire OSFM record of its decision with the Board in accordance with Section 105.116. The OSFM record must include:

1) The request for OSFM determination of eligibility or deductible~~deductibility~~;

2) Correspondence with the petitioner;

3) The denial letter; and

4) Any other information the OSFM relied upon in making its determination.

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)

SUBPART F: PSD PERMIT APPEALS

Section 105.600 Applicability

This Subpart applies to proceedings before the Board concerning appeals from final Prevention of Significant Deterioration (PSD) permit determinations made under Section 9.1(d) of the Act and 35 Ill. Adm. Code 204.

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.602 Parties

a) Petitioner. The person who files a petition for review of the Agency's final decision must be named the petitioner.

b) Respondent. The Agency must be named the respondent. If a petition is filed under Section 105.604(c) by a person other than the permit applicant, the permit applicant must be named as a respondent in addition to the Agency.

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.604 Who May File a Petition for Review

a) *If the Agency refused to grant or grants with conditions a PSD permit* under Section 9.1(d) of the Act and 35 Ill. Adm. Code Part 204, *the applicant may petition for a hearing before the Board to contest the decision of the Agency.* [415 ILCS 5/40.3(a)(1)]

b) *If the Agency fails to act on an application for a PSD permit within the time frame specified* in Section 39(f)(3) of the Act, *the applicant may petition for a hearing before the Board to compel the Agency to act on the application in a time that is deemed reasonable* by the Board. [415 ILCS 5/40.3(a)(1)]

c) *Any person who participated in the* Agency *public comment process* for a PSD permit *and is either aggrieved or has an interest that is or may be adversely affected by the PSD permit may petition for a hearing before the Board to contest the decision of the Agency. If the petitioner failed to participate in the Agency's public comment process, the person may still petition for a hearing, but only upon issues where the final permit conditions reflect changes from the proposed draft permit* that was made available during the Agency public comment process. [415 ILCS 5/40.3(a)(2)]

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.606 Time to File a Petition for Review

a) Any petition for review under Section 105.604(a) or (c) must be filed with the Clerk within 35 days after the date of the Agency's final permit action.

b) Any petition for review under Section 105.604(b) must be filed with the Clerk before the Agency denies or issues the final permit.

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.608 Petition Content Requirements

a) All petitions under Section 105.604 must comply with 35 Ill. Adm. Code 101.Subpart C.

b) A petition under Section 105.604(a) or (c) must contain, within the body of the petition, all pertinent information in support of each issue raised for review. The Board will not consider arguments, assertions, claims, or other information incorporated into the petition by reference. *The petition must include*:

1) The Agency's final decision or issued PSD permit;

2) A statement as to how the petitioner participated in the Agency public comment process;

3) All *facts as necessary to demonstrate that the petitioner is aggrieved or has an interest that is or may be adversely affected;*

4) *The issues proposed for review*, citing to a specific permit term or condition when applicable and to the Agency *record where those issues were raised*, citing to any relevant page numbers in the public comments submitted to the Agency and attaching this public comment to the petition. If the issues proposed for review were not raised with reasonable specificity during the public comment period, the petition must explain *why* those *issues were not required to be raised during the* Agency *public comment process;* and

5) An explanation *why the Agency's previous response, if any, to those issues* proposed for review was:

A) *Clearly erroneous; or*

B) *An exercise of discretion or an important policy consideration that the Board should, in its discretion, review.* [415 ILCS 5/40.3(a)(2)]

c) A petition under Section 105.604(b) must include the date that a complete permit application for a PSD permit was submitted to the Agency and an explanation as to why the submittal made on that date made the application complete.

d) A petition under Section 105.604(a) or (c) may include a request to stay the effectiveness of any final Agency action on a PSD permit application until final action is taken by the Board under Section 40.3 of the Act. Any stay request must include a clear delineation of all the contested conditions of the PSD permit. To the extent that a stay of any or all of the uncontested conditions of the permit is sought, any stay request must indicate how these uncontested conditions would be affected by the Board's review of the contested conditions.

e) For petitions under Section 105.604(c), any stay request must also demonstrate:

1) *That an immediate stay is required in order to preserve the status quo without endangering the public*;

2) *That it is not contrary to public policy; and*

3) *That there is a reasonable likelihood of success on the merits*. [415 ILCS 5/40.3(d)(3)]

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.610 Board Standards for Granting Stays

a) *If requested by the* permit *applicant, the Board may stay the effectiveness of any final Agency action on a PSD permit application during the pendency of the review process. In* these *cases, the Board shall stay the effectiveness of all the contested conditions of the PSD permit and may stay the effectiveness of any or*

all uncontested conditions only if the Board determines that the uncontested conditions would be affected by its review of contested conditions. Any stays granted by the Board shall be deemed effective upon the date of final Agency action appealed by the applicant. [415 ILCS 5/40.3(d)(2)]

b) *If requested by a party other than the* permit *applicant, the Board may stay the effectiveness of any final Agency action on a PSD permit application during the pendency of the review process. In* these *cases, the Board may stay the effectiveness of all the contested conditions of the PSD permit and may stay the effectiveness of any or all uncontested conditions only if the Board determines that the uncontested conditions would be affected by its review of contested conditions. The party requesting the stay has the burden of demonstrating that an immediate stay is required in order to preserve the status quo without endangering the public, that it is not contrary to public policy, and that there is a reasonable likelihood of success on the merits. Any stays granted by the Board shall be deemed effective upon the date of final Agency action appealed under* Section 105.606 *and shall remain in effect until a decision is issued by the Board on the petition.* [415 ILCS 5/40.3(d)(3)]

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.612 The Agency Record

a) The Agency must file a copy of its entire Agency record of its decision with the Clerk in accordance with Section 105.116.

b) The Agency record must include:

1) Any permit application or other request that resulted in the Agency's final decision;

2) Correspondence with the applicant and any documents or material submitted by the applicant to the Agency related to the permit application;

3) The project summary, statement of basis, or fact sheet;

4) The Agency public hearing record of any Agency public hearing held under 35 Ill. Adm. Code 252.205, including any transcripts and exhibits;

5) All written comments received during the Agency public comment period under 35 Ill. Adm. Code 252.201, including any extension or reopening under 35 Ill. Adm. Code 252.208;

6) The response to comments required by 35 Ill. Adm. Code 252.210 and any new material placed in the Agency record under that Section;

7) The final permit; and

8) Any other information the Agency relied upon in making its final decision.

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

Section 105.614 Board Hearing

Except as provided in subsections (a) and (b), the Board will conduct a public hearing, in accordance with 35 Ill. Adm. Code 101.Subpart F, upon an appropriately filed petition for review under this Subpart. *The* hearing and *decision of the Board shall be based exclusively on the* Agency *record* at the time the permit or decision was issued, *unless the parties agree to supplement the* Agency *record*. Any PSD permit issued by the Agency must be upheld by the Board if the technical decisions contained in the permit reflect considered judgment by the Agency. [415 ILCS 5/40.3(d)(1)]

a) The Board will not hold a hearing on a petition for review under this Subpart if the Board disposes of the petition on a motion for summary judgment brought under 35 Ill. Adm. Code 101.516.

b) The Board will not hold a hearing on a petition for review under this Subpart if the Board determines that:

1) The petition is *frivolous*; or

2) The petition lacks *facially adequate factual statements* as required by Section 105.608 [415 ILCS 5/40.3(a)(2)].

c) If the Board determines to hold a hearing, the Clerk will give notice of the hearing under 35 Ill. Adm. Code 101.602.

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Major Stationary Sources Construction and Modification

2) Code Citation: 35 Ill. Adm. Code 203

3) Section Number: 203.207 Adopted Action: Amendment

4) Statutory Authority: Implementing Section 9.1 and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/9.1, 27 and 28].

5) Effective Date of Rule: September 4, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rule is available on the Board's website (https://pcb.illinois.gov/) and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 4367; March 20, 2020

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

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications to its first-notice proposal.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were made.

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

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

15) Summary and Purpose of Rulemaking: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 204 of its air pollution rules to create a Prevention of Significant Deterioration (PSD) permitting program. IEPA intends that its proposal will allow it to assume responsibility for PSD permitting from the United States

Environmental Protection Agency and also allow the Board to assume responsibility for appeals of PSD permits issued by IEPA. IEPA states that its proposal meets requirements to establish such a program under Section 9.1(c) of the Illinois Environmental Protection Act (Act) [(415 ILCS 5/9.1(c) (2018)]; see PA 99-463, eff. Jan. 1, 2016.

IEPA proposed to amend existing Part 203 of the Board's air pollution rules regarding the construction and modification of major stationary sources to conform with the new Part 204 and accommodate PSD permit appeals.

The Board's first-notice, second-notice, and adoption opinions and orders in this rulemaking may be viewed and downloaded on the Board's website (https://pcb.illinois.gov/).

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

312/814-6931
tim.fox@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (https://pcb.illinois.gov/). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R19-01 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 203
MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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Section
203.801 Offsetting by Alternative or Innovative Means

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27 and 28.5].

SOURCE: Adopted and codified at 7 Ill. Reg. 9344, effective July 22, 1983; codified at 7 Ill. Reg. 13588; amended in R85-20 at 12 Ill. Reg. 6118, effective March 22, 1988; amended in R91-24 at 16 Ill. Reg. 13551, effective August 24, 1992; amended in R92-21 at 17 Ill. Reg. 6973, effective April 30, 1993; amended in R93-9 at 17 Ill. Reg. 16630, effective September 27, 1993; amended in R93-26 at 18 Ill. Reg. 6335, effective April 15, 1994; amended in R98-10 at 22 Ill. Reg. 5674, effective March 10, 1998; amended in R19-1 at 44 Ill. Reg. 14916, effective September 4, 2020.

SUBPART B: MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section 203.207 Major Modification of a Source

a) Except as provided in subsection (c), (d), (e) or (f)~~ below~~, a physical change, or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant for which the area is designated a nonattainment area, shall constitute a major modification of a source.

b) Any net emissions increase that is significant for volatile organic material or nitrogen oxides shall be considered significant for ozone.

c) A physical change or change in the method of operation shall not include:

1) Routine maintenance and repair.

2) Use of an alternative fuel or raw material by reason of any order under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 USC~~U.S.C.~~ 791), the Power Plant and Industrial Fuel Use Act of 1978 (42 USC~~U.S.C.~~ 8301) (or any superseding legislation) or by reason of a natural gas curtailment plan under~~pursuant to~~ the Federal Power Act (16 USC~~U.S.C.~~ 791, et seq.).

3) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act (42 USC~~U.S.C.~~ 7425).

4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

5) Use of an alternative fuel or raw material by a stationary source that~~which~~:

A) Was capable of accommodating such alternative fuel or raw material before December 21, 1976, and that~~which~~ has continuously remained capable of accommodating such fuels or materials unless such change would be prohibited under any enforceable permit condition established after December 21, 1976, under~~pursuant to~~ 40 CFR 52.21, 35 Ill. Adm. Code 204, this Part, or 35 Ill. Adm. Code 201.142 or 201.143;~~,~~ or

B) Is approved for use under any permit issued under~~pursuant to~~ this Part or 35 Ill. Adm. Code 201.142 or 201.143.

6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any enforceable permit condition that~~which~~ was established after December 21, 1976 under~~pursuant to~~ 40 CFR 52.21, 35 Ill. Adm. Code 204, this Part, or 35 Ill. Adm. Code 201.142 or 201.143.

7) Any change in ownership at a stationary source.

d) In an area classified as serious or severe nonattainment for ozone, increased emissions of volatile organic material or nitrogen oxides resulting from any physical change in, or change in the method of operation of, a stationary source located in the area shall be considered de minimis for purposes of this Part if the increase in net emissions of such air pollutant from such source does not exceed 25 tons when aggregated with all other net increases in emissions from the source over any period of five consecutive calendar years that includes the year in which such increase occurred.

e) In the case of any major stationary source of volatile organic material or nitrogen oxides located in an area classified as serious or severe nonattainment for ozone (other than a source that~~which~~ emits or has the potential to emit 100 tons or more

of volatile organic material or nitrogen oxides per year), whenever any change at that source results in any increase (other than a de minimis increase) in emissions of volatile organic material or nitrogen oxides, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source, such increase shall be considered a major modification for purposes of this Part, except such increase shall not be considered a major modification for such purposes if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of volatile organic material or nitrogen oxides, respectively, from other operations, units, or activities within the source at an internal offset ratio of at least 1.3 to 1.

f) In areas classified as extreme nonattainment for ozone, beginning on the date that an area is classified by USEPA as an extreme nonattainment area for ozone, any physical change in or change in the method of operation of a major stationary source that~~which~~ results in any increase in emissions of volatile organic material or nitrogen oxides from a discrete operation, unit, or other pollutant emitting activity shall be considered a major modification.

(Source: Amended at 44 Ill. Reg. 14916, effective September 4, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: Prevention of Significant Deterioration

2) Code Citation: 35 Ill. Adm. Code 204

3)

Section Numbers:	Adopted Actions:
204.100	New Section
204.110	New Section
204.120	New Section
204.200	New Section
204.210	New Section
204.220	New Section
204.230	New Section
204.240	New Section
204.250	New Section
204.260	New Section
204.270	New Section
204.280	New Section
204.290	New Section
204.300	New Section
204.310	New Section
204.320	New Section
204.330	New Section
204.340	New Section
204.350	New Section
204.360	New Section
204.370	New Section
204.380	New Section
204.390	New Section
204.400	New Section
204.410	New Section
204.420	New Section
204.430	New Section
204.440	New Section
204.450	New Section
204.460	New Section
204.470	New Section
204.480	New Section
204.490	New Section
204.500	New Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

204.510	New Section
204.520	New Section
204.530	New Section
204.540	New Section
204.550	New Section
204.560	New Section
204.570	New Section
204.580	New Section
204.590	New Section
204.600	New Section
204.610	New Section
204.620	New Section
204.630	New Section
204.640	New Section
204.650	New Section
204.660	New Section
204.670	New Section
204.680	New Section
204.690	New Section
204.700	New Section
204.710	New Section
204.800	New Section
204.810	New Section
204.820	New Section
204.830	New Section
204.840	New Section
204.850	New Section
204.860	New Section
204.900	New Section
204.910	New Section
204.920	New Section
204.930	New Section
204.1000	New Section
204.1100	New Section
204.1110	New Section
204.1120	New Section
204.1130	New Section
204.1140	New Section
204.1200	New Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

204.1300	New Section
204.1310	New Section
204.1320	New Section
204.1330	New Section
204.1340	New Section
204.1400	New Section
204.1500	New Section
204.1600	New Section
204.1610	New Section
204.1620	New Section
204.1630	New Section
204.1640	New Section
204.1650	New Section
204.1660	New Section
204.1670	New Section
204.1680	New Section
204.1690	New Section
204.1700	New Section
204.1710	New Section
204.1720	New Section
204.1730	New Section
204.1740	New Section
204.1750	New Section
204.1760	New Section
204.1770	New Section
204.1780	New Section
204.1790	New Section
204.1800	New Section
204.1810	New Section
204.1820	New Section
204.1830	New Section
204.1840	New Section
204.1850	New Section
204.1860	New Section
204.1870	New Section
204.1880	New Section
204.1890	New Section
204.1900	New Section
204.1910	New Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

4) Statutory Authority: Implementing Section 9.1 and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/9.1, 27 and 28].

5) Effective Date of Rules: September 4, 2020

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

7) Does this rulemaking contain incorporations by reference? Yes

40 CFR Part 50 (2018)
40 CFR Part 51 (2018)
40 CFR Part 52 (2018)
40 CFR Part 53 (2018)
40 CFR Part 54 (2018)
40 CFR Part 55 (2018)
40 CFR Part 56 (2018)
40 CFR Part 57 (2018)
40 CFR Part 58 (2018)
40 CFR Part 59 (2018)
40 CFR Part 60 (2018)
40 CFR Part 61 (2018)
40 CFR Part 62 (2018)
40 CFR Part 63 (2018)
40 CFR Part 64 (2018)
40 CFR Part 65 (2018)
40 CFR Part 66 (2018)
40 CFR Part 67 (2018)
40 CFR Part 68 (2018)
40 CFR Part 69 (2018)
40 CFR Part 70 (2018)
40 CFR Part 71 (2018)
40 CFR Part 72 (2018)
40 CFR Part 73 (2018)
40 CFR Part 74 (2018)
40 CFR Part 75 (2018)
40 CFR Part 76 (2018)
40 CFR Part 77 (2018)
40 CFR Part 78 (2018)

40 CFR Part 79 (2018)
40 CFR Part 80 (2018)
40 CFR Part 81 (2018)
40 CFR Part 82 (2018)
40 CFR Part 85 (2018)
40 CFR Part 86 (2018)
40 CFR Part 87 (2018)
40 CFR Part 88 (2018)
40 CFR Part 89 (2018)
40 CFR Part 90 (2018)
40 CFR Part 91 (2018)
40 CFR Part 92 (2018)
40 CFR Part 93 (2018)
40 CFR Part 94 (2018)
40 CFR Part 95 (2018)
40 CFR Part 96 (2018)
40 CFR Part 97 (2018), excluding 40 CFR Part 97, Subpart FFFFF (2018)
40 CFR Part 98 (2018)
Standard Industrial Classification Manual, 1972, as amended by 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively)

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov/) and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 4375; March 20, 2020

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

11) Differences between Proposal and Final Version: In its first-notice comments, IEPA noted that the first-notice version of Part 204 in the *Illinois Register* included changes that are not consistent with the federal rules and may jeopardize USEPA's approval of Part 204 as a SIP revision. The Board generally agreed with IEPA's comment and in number of cases reinstated the original language of the proposal. The Board discusses these changes in detail in its second-notice opinion. At adoption, the Board make a number of non-substantive changes proposed by JCAR that IEPA accepted.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

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

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

15) Summary and Purpose of Rulemaking: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 204 of its air pollution rules to create a Prevention of Significant Deterioration (PSD) permitting program. IEPA intends that its proposal will allow it to assume responsibility for PSD permitting from the United States Environmental Protection Agency and also allow the Board to assume responsibility for appeals of PSD permits issued by IEPA. IEPA states that its proposal meets requirements to establish such a program under Section 9.1(c) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/9.1(c) (2018]; see PA 99-463, eff. Jan. 1, 2016.

The Board's first-notice, second-notice, and adoption opinions and orders in this rulemaking may be viewed and downloaded on the Board's website (https://pcb.illinois.gov/).

16) Information and questions regarding these adopted rules shall be directed to:

Tim Fox
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

312/814-6931
tim.fox@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (https://pcb.illinois.gov/). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R19-01 in your request.

The full text of the Adopted Rules begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 204
PREVENTION OF SIGNIFICANT DETERIORATION

SUBPART A: GENERAL PROVISIONS

Section
204.100 Incorporations by Reference
204.110 Abbreviations and Acronyms
204.120 Severability

SUBPART B: DEFINITIONS

Section
204.200 Definitions
204.210 Actual Emissions
204.220 Adverse Impact on Visibility
204.230 Allowable Emissions
204.240 Baseline Actual Emissions
204.250 Baseline Area
204.260 Baseline Concentration
204.270 Begin Actual Construction
204.280 Best Available Control Technology (BACT)
204.290 Building, Structure, Facility, or Installation
204.300 Clean Coal Technology
204.310 Clean Coal Technology Demonstration Project
204.320 Commence
204.330 Complete
204.340 Construction
204.350 Dispersion Technique
204.360 Electric Utility Steam Generating Unit
204.370 Emissions Unit
204.380 Excessive Concentration
204.390 Federal Land Manager
204.400 Federally Enforceable

204.410 Fugitive Emissions
204.420 Good Engineering Practice
204.430 Greenhouse Gases (GHGs)
204.440 High Terrain
204.450 Indian Reservation
204.460 Indian Governing Body
204.470 Innovative Control Technology
204.480 Low Terrain
204.490 Major Modification
204.500 Major Source Baseline Date
204.510 Major Stationary Source
204.520 Minor Source Baseline Date
204.530 Nearby
204.540 Necessary Preconstruction Approvals or Permits
204.550 Net Emissions Increase
204.560 Potential to Emit
204.570 Prevention of Significant Deterioration (PSD) Permit
204.580 Process Unit
204.590 Project
204.600 Projected Actual Emissions
204.610 Regulated NSR Pollutant
204.620 Replacement Unit
204.630 Repowering
204.640 Reviewing Authority
204.650 Secondary Emissions
204.660 Significant
204.670 Significant Emissions Increase
204.680 Stack in Existence
204.690 Stationary Source
204.700 Subject to Regulation
204.710 Temporary Clean Coal Technology Demonstration Project

SUBPART C: MAJOR STATIONARY SOURCES IN ATTAINMENT AND UNCLASSIFIABLE AREAS

Section
204.800 Applicability
204.810 Source Information
204.820 Source Obligation

204.830 Permit Expiration
204.840 Effect of Permits
204.850 Relaxation of a Source-Specific Limitation
204.860 Exemptions

SUBPART D: INCREMENT

Section
204.900 Ambient Air Increments
204.910 Ambient Air Ceilings
204.920 Restrictions on Area Classifications
204.930 Redesignation

SUBPART E: STACK HEIGHTS

Section
204.1000 Stack Heights

SUBPART F: REQUIREMENTS FOR MAJOR STATIONARY SOURCES AND MAJOR MODIFICATIONS IN ATTAINMENT AND UNCLASSIFIABLE AREAS

Section
204.1100 Control Technology Review
204.1110 Source Impact Analysis
204.1120 Air Quality Models
204.1130 Air Quality Analysis
204.1140 Additional Impact Analyses

SUBPART G: ADDITIONAL REQUIREMENTS FOR CLASS I AREAS

Section
204.1200 Additional Requirements for Sources Impacting Federal Class I Areas

SUBPART H: GENERAL OBLIGATIONS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Section
204.1300 Notification of Application Completeness to Applicants
204.1310 Transmittal of Application to USEPA

204.1320 Public Participation
204.1330 Issuance Within One Year of Submittal of Complete Application
204.1340 Permit Rescission

SUBPART I: NONAPPLICABILITY RECORDKEEPING AND REPORTING

Section
204.1400 Recordkeeping and Reporting Requirements for Certain Projects at Major Stationary Sources

SUBPART J: INNOVATIVE CONTROL TECHNOLOGY

Section
204.1500 Innovative Control Technology

SUBPART K: PLANTWIDE APPLICABILITY LIMITATION

Section
204.1600 Applicability
204.1610 Definitions
204.1620 Actuals PAL
204.1630 Allowable Emissions
204.1640 Continuous Emissions Monitoring System (CEMS)
204.1650 Continuous Emissions Rate Monitoring System (CERMS)
204.1660 Continuous Parameter Monitoring System (CPMS)
204.1670 Lowest Achievable Emission Rate (LAER)
204.1680 Major Emissions Unit
204.1690 Plantwide Applicability Limitation (PAL)
204.1700 PAL Effective Date
204.1710 PAL Effective Period
204.1720 PAL Major Modification
204.1730 PAL Permit
204.1740 PAL Pollutant
204.1750 Predictive Emissions Monitoring System (PEMS)
204.1760 Reasonably Achievable Control Technology (RACT)
204.1770 Significant Emissions Unit
204.1780 Small Emissions Unit
204.1790 Permit Application Requirements
204.1800 General Requirements for Establishing PAL

204.1810 Public Participation Requirements
204.1820 Setting the 10-Year Actuals PAL Level
204.1830 Contents of the PAL Permit
204.1840 Effective Period and Reopening a PAL Permit
204.1850 Expiration of a PAL
204.1860 Renewal of a PAL
204.1870 Increasing the PAL during the PAL Effective Period
204.1880 Monitoring Requirements
204.1890 Recordkeeping Requirements
204.1900 Reporting and Notification Requirements
204.1910 Transition Requirements

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27 and 28].

SOURCE: Adopted in R19-1 at 44 Ill. Reg. 14923, effective September 4, 2020.

SUBPART A: GENERAL PROVISIONS

Section 204.100 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

a) 40 CFR Part 50 (2018)

b) 40 CFR Part 51 (2018)

c) 40 CFR Part 52 (2018)

d) 40 CFR Part 53 (2018)

e) 40 CFR Part 54 (2018)

f) 40 CFR Part 55 (2018)

g) 40 CFR Part 56 (2018)

h) 40 CFR Part 57 (2018)

i) 40 CFR Part 58 (2018)

j) 40 CFR Part 59 (2018)

k) 40 CFR Part 60 (2018)

l) 40 CFR Part 61 (2018)

m) 40 CFR Part 62 (2018)

n) 40 CFR Part 63 (2018)

o) 40 CFR Part 64 (2018)

p) 40 CFR Part 65 (2018)

q) 40 CFR Part 66 (2018)

r) 40 CFR Part 67 (2018)

s) 40 CFR Part 68 (2018)

t) 40 CFR Part 69 (2018)

u) 40 CFR Part 70 (2018)

v) 40 CFR Part 71 (2018)

w) 40 CFR Part 72 (2018)

x) 40 CFR Part 73 (2018)

y) 40 CFR Part 74 (2018)

z) 40 CFR Part 75 (2018)

aa) 40 CFR Part 76 (2018)

bb) 40 CFR Part 77 (2018)

cc) 40 CFR Part 78 (2018)

dd) 40 CFR Part 79 (2018)

ee) 40 CFR Part 80 (2018)

ff) 40 CFR Part 81 (2018)

gg) 40 CFR Part 82 (2018)

hh) (Reserved)

ii) (Reserved)

jj) 40 CFR Part 85 (2018)

kk) 40 CFR Part 86 (2018)

ll) 40 CFR Part 87 (2018)

mm) 40 CFR Part 88 (2018)

nn) 40 CFR Part 89 (2018)

oo) 40 CFR Part 90 (2018)

pp) 40 CFR Part 91 (2018)

qq) 40 CFR Part 92 (2018)

rr) 40 CFR Part 93 (2018)

ss) 40 CFR Part 94 (2018)

tt) 40 CFR Part 95 (2018)

uu) 40 CFR Part 96 (2018)

vv) 40 CFR Part 97 (2018), excluding 40 CFR Part 97, Subpart FFFFF (2018)

ww) 40 CFR Part 98 (2018)

xx) (Reserved)

yy) Standard Industrial Classification Manual, 1972, as amended by 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively)

Section 204.110 Abbreviations and Acronyms

The following abbreviations, acronyms and terms are used in this Part:

$\mu g/m^3$	micrograms per cubic meter
Act	Illinois Environmental Protection Act
Agency	Illinois Environmental Protection Agency
BACT	Best Available Control Technology
Board	Illinois Pollution Control Board
Btu	British thermal units
CAA	Clean Air Act
CAAPP	Clean Air Act Permit Program
CEMS	Continuous Emissions Monitoring System
CERMS	Continuous Emissions Rate Monitoring System
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CPMS	Continuous Parameter Monitoring System
GHG	Greenhouse Gas
H_2S	hydrogen sulfide
hr	hour
LAER	Lowest Achievable Emission Rate
lbs	pounds
lb/hr	pounds per hour
MW	megawatts
NAAQS	National Ambient Air Quality Standards
NAICS	North American Industry Classification System
NO_2	nitrogen dioxide
NO_x	nitrogen oxides

NSPS	New Source Performance Standards
NSR	New Source Review
O_2	oxygen
PAL	Plantwide Applicability Limitation
PEMS	Predictive Emissions Monitoring System
PM	Particulate Matter
$PM_{2.5}$	Particulate Matter equal to or less than 2.5 microns in diameter (Fine Particulate Matter)
PM_{10}	Particulate Matter equal to or less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
SIP	State Implementation Plan
SO_2	sulfur dioxide
tpy	tons per year
TSP	total suspended particulates
US	United States
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound
VOM	Volatile Organic Material
yr	year

Section 204.120 Severability

If any provision of this Part, or the application of that provision to any person or circumstance, is held invalid, the remainder of this Part, or the application of the provision to persons or circumstances other than those as to which it is held invalid, shall not be affected by that holding.

SUBPART B: DEFINITIONS

Section 204.200 Definitions

Unless otherwise specified in this Part, terms used in this Part have the same meaning as the terms used in 35 Ill. Adm. Code 211.

Section 204.210 Actual Emissions

a) "Actual emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with subsections

(b) through (d), except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under Subpart K. Instead, Sections 204.240 and 204.600 shall apply for those purposes.

b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period that precedes the particular date and that is representative of normal source operation. The Agency shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

c) The Agency may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

Section 204.220 Adverse Impact on Visibility

"Adverse impact on visibility" means visibility impairment that interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and how these factors correlate with:

a) Times of visitor use of the Federal Class I area; and

b) Frequency and timing of natural conditions that reduce visibility.

Section 204.230 Allowable Emissions

"Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits that restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

a) The applicable standards as set forth in 40 CFR 60, 61, 62 and 63 (incorporated by reference in Section 204.100);

b) The applicable SIP emissions limitation, including those with a future compliance date; or

c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

Section 204.240 Baseline Actual Emissions

"Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with this Section.

a) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Agency shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

1) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

2) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

3) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

4) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual

emissions, in tons per year, and for adjusting this amount if required by subsection (a)(2).

b) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the reviewing authority for a permit required under 40 CFR 52.21 or by the Agency for a permit required by the SIP, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

1) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

2) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

3) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. "Currently" in the context of a contemporaneous emissions change refers to limitations on emissions and source operation that existed just prior to the date of the contemporaneous change. However, if an emission limitation is part of a Maximum Achievable Control Technology standard that the USEPA proposed or promulgated under 40 CFR 63 (incorporated by reference in Section 204.100), the baseline actual emissions need only be adjusted if the Agency has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with 40 CFR 51.165(a)(3)(ii)(G).

4) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A

different consecutive 24-month period can be used for each regulated NSR pollutant.

5) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsections (b)(2) and (b)(3).

c) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of the unit shall equal zero. Thereafter, for all other purposes, it shall equal the unit's potential to emit.

d) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in subsection (a), for other existing emissions units in accordance with the procedures contained in subsection (b), and for a new emissions unit in accordance with the procedures contained in subsection (c).

Section 204.250 Baseline Area

a) "Baseline area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the CAA (42 USC 7407(d)(1)(A)(ii) or (iii)) in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: Equal to or greater than 1 $\mu g/m^3$ (annual average) for SO_2, NO_2, or PM_{10}; or equal to or greater than 0.3 $\mu g/m^3$ (annual average) for $PM_{2.5}$.

b) Area redesignations under section 107(d)(1)(A)(ii) or (iii) of the CAA cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:

1) Establishes a minor source baseline date; or

2) Is subject to this Part and would be constructed in the state proposing the redesignation.

c) Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such baseline area shall not remain in effect if the Agency rescinds the corresponding minor source baseline date in accordance with Section 204.520(c).

Section 204.260 Baseline Concentration

a) "Baseline concentration" means the ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

1) The actual emissions, as defined in Section 204.210, representative of sources in existence on the applicable minor source baseline date, except as provided in subsection (b); and

2) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

b) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase or increases:

1) Actual emissions, as defined in Section 204.210, from any major stationary source on which construction commenced after the major source baseline date. For a major stationary source in existence on the major source baseline date, "actual emissions" for the purposes of this subsection (b) means increases or decreases in actual emissions resulting from construction commencing after the major source baseline date; and

2) Actual emissions increases and decreases, as defined in Section 204.210, at any stationary source occurring after the minor source baseline date.

Section 204.270 Begin Actual Construction

"Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework, and

construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.

Section 204.280 Best Available Control Technology (BACT)

"Best Available Control Technology" means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each regulated NSR pollutant that would be emitted from any proposed major stationary source or major modification that the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant that would exceed the emissions allowed by any applicable standard under 40 CFR 60, 61, 62 and 63 (incorporated by reference in Section 204.100). If the Agency determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means that achieve equivalent results.

Section 204.290 Building, Structure, Facility, or Installation

a) "Building, structure, facility, or installation" means all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., have the same first two-digit code) as described in the Standard Industrial Classification Manual) (incorporated by reference in Section 204.100).

b) Notwithstanding the provisions of subsection (a), building, structure, facility, or installation means, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent

if they are located on the same surface site, or if they are located on surface sites that are located within ¼ mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in this subsection, has the same meaning as in 40 CFR 63.761.

Section 204.300 Clean Coal Technology

"Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of SO_2 or NO_X associated with the utilization of coal in the generation of electricity, or process steam that was not in widespread use as of November 15, 1990.

Section 204.310 Clean Coal Technology Demonstration Project

"Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy – Clean Coal Technology", up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations to USEPA. The federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

Section 204.320 Commence

"Commence", as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

b) Entered into binding agreements or contractual obligations, that cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source, to be completed within a reasonable time.

Section 204.330 Complete

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application.

Section 204.340 Construction

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

Section 204.350 Dispersion Technique

a) "Dispersion technique" means any technique that attempts to affect the concentration of a pollutant in the ambient air by:

1) Using the portion of a stack that exceeds good engineering practice stack height;

2) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

3) Increasing final exhaust gas plume rise by:

A) Manipulating source process parameters, exhaust gas parameters, or stack parameters;

B) Combining exhaust gases from several existing stacks into one stack; or

C) Other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

b) "Dispersion technique" does not include:

1) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the stationary source generating the gas stream;

2) The merging of exhaust gas streams when:

A) The source owner or operator demonstrates that the stationary source was originally designed and constructed with such merged gas streams;

B) After July 8, 1985, the merging is part of a change in operation at the stationary source that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of dispersion techniques shall apply only to the emission limitation for the pollutant affected by the change in operation; or

C) Before July 8, 1985, such merging was part of a change in operation at the stationary source that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. When there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

3) Smoke management in agricultural or silvicultural prescribed burning programs;

4) Episodic restrictions on residential wood burning and open burning; or

5) Techniques under subsection (a)(3) that increase final exhaust gas plume rise when the resulting allowable emissions of SO_2 from the stationary source do not exceed 5,000 tpy.

Section 204.360 Electric Utility Steam Generating Unit

"Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale.

Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

Section 204.370 Emissions Unit

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in Section 204.360. For purposes of this Part, there are two types of emissions units.

a) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date the emissions unit first operated.

b) An existing emissions unit is any emissions unit that does not meet the requirements of subsection (a). A replacement unit, as defined in Section 204.620, is an existing emissions unit.

Section 204.380 Excessive Concentration

"Excessive concentration" is defined for the purpose of determining good engineering practice stack height under Section 204.420(c) and means:

a) For sources seeking credit for stack height exceeding that established under Section 204.420(b), a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features that individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and that contributes to a total concentration, due to emissions from all sources, that is greater than an ambient air quality standard. For sources subject to this Part, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features that individually is at least 40 percent in excess of the maximum concentration experienced in the absence of the downwash, wakes, or eddy effects and greater than an ambient air increment under Section 204.900. The allowable emission rate to be used in making demonstrations of excessive concentration shall be prescribed by the NSPS that is applicable to the source category unless the owner or operator demonstrates that

this emission rate is infeasible. When those demonstrations are approved by the Agency, an alternative emission rate shall be established in consultation with the source owner or operator.

b) For sources seeking credit for increases in existing stack heights up to the heights established under Section 204.420(b), either:

1) A maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in subsection (a), except that the emission rate specified by the SIP (or, in the absence of such a limit, the actual emission rate) shall be used; or

2) The actual presence of a local nuisance caused by the existing stack, as determined by the Agency; and

c) For sources seeking credit for a stack height determined under Section 204.420(b) when the Agency requires the use of a field study or fluid model to verify good engineering practice stack height, for sources seeking stack height credit based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit based on the aerodynamic influence of structures not adequately represented by the equations in Section 204.420(b), a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of the downwash, wakes, or eddy effects.

Section 204.390 Federal Land Manager

"Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over the lands.

Section 204.400 Federally Enforceable

"Federally enforceable" means all limitations and conditions that are enforceable by USEPA, including those requirements developed under 40 CFR 60, 61, 62 and 63 (incorporated by reference in Section 204.100), requirements within the SIP, any permit requirements established under 40 CFR 52.21 (incorporated by reference in Section 204.100) or this Part or under regulations approved under 40 CFR 51, subpart I (incorporated by reference in Section 204.100), including operating permits issued under a USEPA-approved program that is incorporated into the SIP and expressly requires adherence to any permit issued under such program.

Section 204.410 Fugitive Emissions

"Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

Section 204.420 Good Engineering Practice

a) "Good engineering practice", with respect to stack height, means the greater of:

1) 65 meters, measured from the ground-level elevation at the base of the stack;

2) The following:

A) For a stack in existence on January 12, 1979, and for which the owner or operator had obtained all necessary preconstruction approvals or permits required under 40 CFR 52 (incorporated by reference in Section 204.100):

$$H_g = 2.5H,$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;

B) For all other stacks:

$$H_g = H + 1.5L$$

where:

H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;

H = height of nearby structure or structures measured from the ground-level elevation at the base of the stack;

L = lesser dimension, height, or projected width of nearby structure or structures provided that USEPA or the Agency may require the use of a field study or fluid model to verify good engineering practice stack height for the source; or

3) The height demonstrated by a fluid model or a field study approved by USEPA or the Agency that ensures the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

b) For purposes of this definition, "stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

Section 204.430 Greenhouse Gases (GHGs)

"Greenhouse gases" or "GHGs" means the air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: CO_2, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. To represent an amount of GHGs emitted, the term "tpy CO_2 equivalent emissions (CO_2e)" shall be used. CO_2e is computed as follows:

a) Multiply the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas' associated global warming potential published at 40 CFR 98, subpart A, table A-1 (Global Warming Potentials) (incorporated by reference in Section 204.100).

b) Sum the resultant value for each gas to compute tpy CO_2e.

Section 204.440 High Terrain

"High terrain" means any area having an elevation 900 feet or more above the base of the stack of a source.

Section 204.450 Indian Reservation

"Indian reservation" means any federally recognized reservation established by treaty, agreement, executive order, or Act of Congress.

Section 204.460 Indian Governing Body

"Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the U.S. and recognized by the U.S. as possessing power of self-government.

Section 204.470 Innovative Control Technology

"Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

Section 204.480 Low Terrain

"Low terrain" means any area other than high terrain.

Section 204.490 Major Modification

a) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in:

1) A significant emissions increase (as defined in Section 204.670) of a regulated NSR pollutant (as defined in Section 204.610) other than GHGs (as defined in Section 204.430); and

2) A significant net emissions increase of that pollutant from the major stationary source.

b) Any significant emissions increase (as defined in Section 204.670) from any emissions units or net emissions increase (as defined in Section 204.550) at a major stationary source that is significant for VOM or NO_x shall be considered significant for ozone.

c) A physical change or change in the method of operation shall not include:

1) Routine maintenance, repair and replacement;

2) Use of an alternative fuel or raw material by reason of:

A) An order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 USC 791) (or any superseding legislation); or

B) A natural gas curtailment plan under the Federal Power Act (16 USC 791);

3) Use of an alternative fuel by reason of an order or rule under section 125 of the CAA (42 USC 7435);

4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

5) Use of an alternative fuel or raw material by a stationary source that:

A) The source was capable of accommodating before January 6, 1975, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975 under 40 CFR 52.21, this Part, or 35 Ill. Adm. Code 201.142 or 201.143; or

B) The source is approved to use under any permit issued under 40 CFR 52.21, this Part, or 35 Ill. Adm. Code 201.142 or 201.143;

6) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition established after January 6, 1975, under 40 CFR 52.21, this Part, or 35 Ill. Adm. Code 201.142 or 201.143;

7) Any change in ownership at a stationary source;

8) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

A) The Illinois SIP; and

B) Other requirements necessary to attain and maintain NAAQS during the project and after it is terminated; or

9) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

d) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with Subpart K for a PAL for that pollutant. Instead, the definition at Section 204.1720 shall apply.

Section 204.500 Major Source Baseline Date

"Major source baseline date" means:

a) In the case of PM_{10} and SO_2, January 6, 1975;

b) In the case of NO_2, February 8, 1988; and

c) In the case of $PM_{2.5}$, October 20, 2010.

Section 204.510 Major Stationary Source

a) "Major stationary source" means:

1) Any of the following stationary sources of air pollutants that emits, or has the potential to emit, 100 tpy or more of any regulated NSR pollutant:

A) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input;

B) Coal cleaning plants (with thermal dryers);

C) Kraft pulp mills;

D) Portland cement plants;

E) Primary zinc smelters;

F) Iron and steel mill plants;

G) Primary aluminum ore reduction plants (with thermal dryers);

H) Primary copper smelters;

I) Municipal incinerators capable of charging more than 50 tons of refuse per day;

J) Hydrofluoric, sulfuric, and nitric acid plants;

K) Petroleum refineries;

L) Lime plants;

M) Phosphate rock processing plants;

N) Coke oven batteries;

O) Sulfur recovery plants;

P) Carbon black plants (furnace process);

Q) Primary lead smelters;

R) Fuel conversion plants;

S) Sintering plants;

T) Secondary metal production plants;

U) Chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS Codes 325193 or 312140);

V) Fossil-fuel boilers (or combinations thereof) totaling more than 250 million Btu per hour heat input;

W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

X) Taconite ore processing plants;

Y) Glass fiber processing plants; and

Z) Charcoal production plants;

2) Notwithstanding the stationary source size specified in subsection (a)(1), any stationary source that emits, or has the potential to emit, 250 tpy or more of a regulated NSR pollutant (except GHGs as defined in Section 204.430); or

3) Any physical change that would occur at a stationary source not otherwise qualifying under this Section as a major stationary source, if the changes would constitute a major stationary source.

b) A major source that is major for VOM or NO_X shall be considered major for ozone.

c) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Part whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

1) Coal cleaning plants (with thermal dryers);

2) Kraft pulp mills;

3) Portland cement plants;

4) Primary zinc smelters;

5) Iron and steel mills;

6) Primary aluminum ore reduction plants;

7) Primary copper smelters;

8) Municipal incinerators capable of charging more than 50 tons of refuse per day;

9) Hydrofluoric, sulfuric, or nitric acid plants;

10) Petroleum refineries;

11) Lime plants;

12) Phosphate rock processing plants;

13) Coke oven batteries;

14) Sulfur recovery plants;

15) Carbon black plants (furnace process);

16) Primary lead smelters;

17) Fuel conversion plants;

18) Sintering plants;

19) Secondary metal production plants;

20) Chemical process plants. Chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS Codes 325193 or 312140;

21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million Btu per hour heat input;

22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

23) Taconite ore processing plants;

24) Glass fiber processing plants;

25) Charcoal production plants;

26) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input; and

27) Any other stationary source category that, as of August 7, 1980, is being regulated under section 111 or 112 of the CAA.

Section 204.520 Minor Source Baseline Date

a) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or this Part submits a complete application under the relevant regulations. The trigger date is:

1) In the case of PM_{10} and SO_2, August 7, 1977;

2) In the case of NO_2, February 8, 1988; and

3) In the case of $PM_{2.5}$, October 20, 2011.

b) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

1) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the CAA (42 USC 7407(d)(1)(A)(ii) or (iii)) for the pollutant on the date of its complete application under 40 CFR 52.21 or this Part; and

2) In the case of a major stationary source, the pollutant would be emitted in significant amounts or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

c) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that the Agency shall rescind a minor source baseline date when it can be shown, to the satisfaction of the Agency, that the emissions increase from the major stationary source, or net emissions increase

from the major modification, responsible for triggering that date did not result in a significant amount of PM_{10} emissions.

Section 204.530 Nearby

"Nearby", with respect to a specific structure or terrain feature:

a) For purposes of applying the formula provided in Section 204.420(a)(2), means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (½ mile); and

b) For conducting demonstrations under Section 204.420(a)(3), means not greater than 0.8 km (½ mile), except that a portion of a terrain feature may be considered to be nearby if it falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if such feature achieves a height, 0.8 km from the stack, that is at least 40 percent of the good engineering practice stack height determined by the formula provided in Section 204.420(a)(2)(B) or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

Section 204.540 Necessary Preconstruction Approvals or Permits

"Necessary preconstruction approvals or permits" mean those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations that are part of the applicable SIP.

Section 204.550 Net Emissions Increase

a) "Net emissions increase" means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

1) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under Section 204.800(d); and

2) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and

are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this subsection (a)(2) shall be determined as provided in Section 204.240, except that Section 204.240(a)(3) and (b)(4) shall not apply.

b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

1) The date five years before construction on the particular change commences; and

2) The date that the increase from the particular change occurs.

3) An increase or decrease in actual emissions is creditable only if the reviewing authority has not relied on it in issuing a permit for the source under 40 CFR 52.21 or this Part, which permit is in effect when the increase in actual emissions from the particular change occurs.

c) An increase or decrease in actual emissions of SO_2, PM, or NO_X that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

e) A decrease in actual emissions is creditable only to the extent that:

1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

2) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins; and

3) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to

emit a particular pollutant. Any emissions unit that replaces an existing emissions unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

g) Section 204.210(b) shall not apply in determining creditable increases and decreases.

Section 204.560 Potential to Emit

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable or legally and practicably enforceable by a state or local air pollution control agency. Secondary emissions do not count in determining the potential to emit of a stationary source.

Section 204.570 Prevention of Significant Deterioration (PSD) Permit

"Prevention of Significant Deterioration Permit" or "PSD Permit" *means a permit or the portion of a permit for a new major source or major modification that is issued by the Agency under the construction permit program* required by Section 9.1(c) of the Act *that has been approved by USEPA and incorporated into the Illinois SIP to implement the requirements of section 165 of the CAA and 40 CFR 51.166.* [415 ILCS 5/3.363]

Section 204.580 Process Unit

"Process unit" means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store an intermediate or completed product. A process unit may contain more than one emissions unit.

Section 204.590 Project

"Project" means a physical change in or change in the method of operation of an existing major stationary source.

Section 204.600 Projected Actual Emissions

a) "Projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and if full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

b) In determining the projected actual emissions under subsection (a) (before beginning actual construction), the owner or operator of the major stationary source:

1) Shall consider all relevant information, including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with State or federal regulatory authorities, and compliance plans under Illinois' SIP;

2) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

3) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under Section 204.240 and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

4) In lieu of using the method set out in subsection (b)(1), may elect to use the emissions unit's potential to emit, in tons per year, as defined under Section 204.560.

Section 204.610 Regulated NSR Pollutant

"Regulated NSR pollutant" means the following:

a) Any pollutant for which a NAAQS has been promulgated. This includes, but is not limited to, the following:

1) $PM_{2.5}$ emissions and PM_{10} emissions shall include gaseous emissions from a source or activity, that condense to form PM at ambient temperatures. On or after January 1, 2011, such condensable PM shall be accounted for in applicability determinations and in establishing emissions limitations for $PM_{2.5}$ and PM_{10} in PSD permits. Compliance with emissions limitations for $PM_{2.5}$ and PM_{10} issued prior to this date shall not be based on condensable PM unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable PM shall not be considered in violation of this Part unless the applicable implementation plan required condensable PM to be included.

2) Any pollutant identified under this subsection as a constituent or precursor for a pollutant for which a NAAQS has been promulgated. Precursors for purposes of this Part are the following:

A) VOM and NO_X are precursors to ozone in all attainment and unclassifiable areas.

B) SO_2 is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas.

C) NO_X are presumed to be precursors to $PM_{2.5}$ in all attainment and unclassifiable areas, unless the State demonstrates to the satisfaction of USEPA or USEPA demonstrates that emissions of NO_X from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

D) VOM are presumed not to be precursors to $PM_{2.5}$ in any attainment or unclassifiable area, unless the State demonstrates to the satisfaction of USEPA or USEPA demonstrates that emissions of VOM from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations;

b) Any pollutant that is subject to any standard promulgated under section 111 of the CAA (42 USC 7401);

c) Any Class I or II substance subject to a standard promulgated under or established by title VI of the CAA (42 USC 7671, et seq.);

d) Any pollutant that otherwise is subject to regulation, as defined in Section 204.700.

e) Notwithstanding subsections (a) through (d), the term "regulated NSR pollutant" shall not include any or all hazardous air pollutants either listed in section 112(b)(1) of the CAA (42 USC 7412(b)(1)) or added to the list under CAA section 112(b)(2) or (b)(3), or substances listed under CAA section 112(r)(3) and that have not been delisted under CAA section 112(b)(3) or (r), unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a pollutant listed under CAA section 108 (42 USC 7408).

Section 204.620 Replacement Unit

"Replacement unit" means an emissions unit for which all the criteria listed in this Section are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

a) The emissions unit is a reconstructed unit, within the meaning of 40 CFR 60.15(b)(1), or completely takes the place of an existing emissions unit.

b) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

c) The replacement does not alter the basic design parameter or parameters of the process unit. Basic design parameters of a process unit shall be determined as follows:

1) Except as provided in subsection (c)(3), for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on Btu content shall be used for determining the basic design

parameter or parameters for a coal-fired electric utility steam generating unit.

2) Except as provided in subsection (c)(3), the basic design parameter or parameters for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.

3) If the owner or operator believes the basic design parameter or parameters in subsections (c)(1) and (c)(2) are not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Agency an alternative basic design parameter or parameters for the source's process unit or units. If the Agency approves of the use of an alternative basic design parameter or parameters, the Agency shall issue a permit that is legally enforceable, records such basic design parameter or parameters and requires the owner or operator to comply with such parameter or parameters.

4) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter or parameters specified in subsections (c)(2) and (c)(3).

5) If design information is not available for a process unit, the owner or operator shall determine the process unit's basic design parameter or parameters using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.

6) Efficiency of a process unit is not a basic design parameter.

d) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

Section 204.630 Repowering

a) "Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion; integrated gasification combined cycle; magnetohydrodynamics; direct and indirect coal-fired turbines; integrated gasification fuel cells; or, as determined by USEPA in consultation with the U.S. Secretary of Energy, a derivative of one or more of these technologies and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

b) Repowering shall also include any oil and/or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the U.S. Department of Energy.

c) The Agency shall give expedited consideration to permit applications for any source that satisfies the requirements of this Section and is granted an extension under section 409 of the CAA (42 USC 7651h).

Section 204.640 Reviewing Authority

"Reviewing authority" means the Agency or, in the case of a permit program under 40 CFR 52.21, USEPA or its delegate (the Agency).

Section 204.650 Secondary Emissions

"Secondary emissions" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility that would not be constructed or increase its emissions, except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel. For the purposes of this Part, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification which causes the secondary emissions.

Section 204.660 Significant

a) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate	
Carbon monoxide	100 tpy
NO_X	40 tpy
SO_2	40 tpy
PM	25 tpy of particulate matter emissions
PM_{10}	15 tpy
$PM_{2.5}$	10 tpy of direct $PM_{2.5}$ emissions; 40 tpy of SO_2 emissions; 40 tpy of NO_X emissions unless demonstrated not to be a $PM_{2.5}$ precursor under Section 204.610(a)(2)(C)
Ozone	40 tpy of VOM or NO_X
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H_2S)	10 tpy
Total reduced sulfur (including H_2S)	10 tpy
Reduced sulfur compounds (including H_2S)	10 tpy
GHGs	75,000 tpy CO_2e
Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-*p*-dioxins and dibenzofurans)	3.2×10^{-6} megagrams per year (3.5×10^{-6} tpy)
Municipal waste combustor metals (measured as PM)	14 megagrams per year (15 tpy)
Municipal waste combustor acid gases	36 megagrams per year (40 tpy)

(measured as SO_2 and hydrogen chloride)	
Municipal solid waste landfills emissions (measured as nonmethane organic compounds)	45 megagrams per year (50 tpy)
Ozone depleting substances	100 tpy

b) "Significant" means, in reference to a net emissions increase or the potential of a source to emit a regulated NSR pollutant that subsection (a) does not list, any emissions rate.

c) Notwithstanding subsection (a), "significant" means any emissions rate or any net emissions increase associated with a major stationary source or major modification that would construct within 10 kilometers of a Class I area, and have an impact on that area equal to or greater than 1 $\mu g/m^3$ (24-hr average).

Section 204.670 Significant Emissions Increase

"Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in Section 204.660) for that pollutant.

Section 204.680 Stack in Existence

"Stack in existence" means that the owner or operator had begun, or caused to begin, a continuous program of physical on-site construction of the stack, or entered into binding agreements or contractual obligations that could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed within a reasonable time.

Section 204.690 Stationary Source

"Stationary source" means any building, structure, facility, or installation that emits or may emit a regulated NSR pollutant. Emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the CAA (42 USC 7550) are not a part of a stationary source.

Section 204.700 Subject to Regulation

"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the CAA, or a nationally-applicable regulation codified by USEPA in 40 CFR 50 through 99, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Pollutants subject to regulation include, but are not limited to, GHGs as defined in Section 204.430.

Section 204.710 Temporary Clean Coal Technology Demonstration Project

"Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is operated for a period of 5 years or less and that complies with Illinois' SIP and other requirements necessary to attain and maintain the NAAQS during the project and after it is terminated.

SUBPART C: MAJOR STATIONARY SOURCES IN ATTAINMENT AND UNCLASSIFIABLE AREAS

Section 204.800 Applicability

a) The requirements of this Part apply to the construction of any new major stationary source (as defined in Section 204.510) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the CAA (42 USC 7407(d)(1)(A)(ii) or (iii)).

b) The requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, and 204.1200 apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this Part otherwise provides.

c) No new major stationary source or major modification to which the requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, and 204.1200 apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements. The Agency has authority to issue any such permit.

d) The requirements of the program will be applied in accordance with the principles set out in this subsection (d).

1) Except as otherwise provided in subsection (f), and consistent with the definition of major modification contained in Section 204.490, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases: a significant emissions increase (as defined in Section 204.670) and a significant net emissions increase (as defined in Sections 204.550 and 204.660). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

2) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type or types of emissions units involved in the project, according to subsections (d)(3) through (d)(5). The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is contained in the definition in Section 204.550. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

3) Actual-to-Projected-Actual Applicability Test for Projects That Only Involve Existing Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in Section 204.600) and the baseline actual emissions (as defined in Section 204.240(a) and (b)), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in Section 204.660).

4) Actual-to-Potential Test for Projects That Only Involve Construction of a New Emissions Unit or Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in Section 204.560) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in Section 204.240(c)) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in Section 204.660).

5) Hybrid Test for Projects That Involve Multiple Types of Emissions Unit or Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subsections (d)(3) and (d)(4) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in Section 204.660).

e) Except as otherwise provided in Section 204.1400(f)(2), the provisions of Section 204.1400 apply with respect to any regulated NSR pollutant emitted from projects involving existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances in which there is a reasonable possibility, within the meaning of Section 204.1400(f), that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in Section 204.600(b) for calculating projected actual emissions.

f) For any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall comply with Subpart K.

Section 204.810 Source Information

The owner or operator of a proposed major stationary source or major modification shall submit all information necessary to perform any analysis or make any determination required under this Part.

a) With respect to a source or modification to which Sections 204.1100, 204.1110, 204.1130, and 204.1140 apply, such information shall include:

1) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

2) A detailed schedule for construction of the source or modification; and

3) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that BACT, as applicable, would be applied.

b) Upon request of the Agency, the owner or operator shall also provide information on:

1) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate that impact; and

2) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth that has occurred since August 7, 1977, in the area the source or modification would affect.

Section 204.820 Source Obligation

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted under this Part or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this Part who begins actual construction after September 4, 2020 without applying for and receiving approval under this Part, shall be subject to appropriate enforcement action.

Section 204.830 Permit Expiration

Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Agency may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months after the projected and approved commencement date.

Section 204.840 Effect of Permits

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, State, or federal law.

Section 204.850 Relaxation of a Source-Specific Limitation

At such time as a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation, established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 shall apply to the source or modification as though construction had not yet commenced on the source or modification.

Section 204.860 Exemptions

a) The requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 do not apply to a particular major stationary source or major modification, if:

1) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution and the Governor of Illinois exempts it from those requirements; or

2) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

A) Coal cleaning plants (with thermal dryers);

B) Kraft pulp mills;

C) Portland cement plants;

D) Primary zinc smelters;

E) Iron and steel mills;

F) Primary aluminum ore reduction plants;

G) Primary copper smelters;

H) Municipal incinerators capable of charging more than 50 tons of refuse per day;

I) Hydrofluoric, sulfuric, or nitric acid plants;

J) Petroleum refineries;

K) Lime plants;

L) Phosphate rock processing plants;

M) Coke oven batteries;

N) Sulfur recovery plants;

O) Carbon black plants (furnace process);

P) Primary lead smelters;

Q) Fuel conversion plants;

R) Sintering plants;

S) Secondary metal production plants;

T) Chemical process plants. The term "chemical processing plant" shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS Code 325193 or 312140;

U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million Btu per hour heat input;

V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

W) Taconite ore processing plants;

X) Glass fiber processing plants;

Y) Charcoal production plants;

Z) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input;

AA) Any other stationary source category that, as of August 7, 1980, is being regulated under section 111 or 112 of the CAA (42 USC 7411 or 7412); or

3) The source is a portable stationary source that has previously received a permit under 40 CFR 52.21 or this Part and:

A) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary;

B) The emissions from the source would not exceed its allowable emissions;

C) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

D) Reasonable notice is given to the Agency prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Agency not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the Agency.

b) The requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under section 107 of the CAA (42 USC 7407). Nonattainment designations for revoked NAAQS, as contained in 40 CFR 81 (incorporated by reference in Section 204.100), shall not be viewed as current designations under section 107 of the CAA (42 USC 7407) for purposes of determining the applicability of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100,

204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 to a major stationary source or major modification after the revocation of that NAAQS is effective.

c) The requirements of Sections 204.1110, 204.1130, and 204.1140 shall not apply to a major stationary source or major modification with respect to a particular pollutant if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

1) Would impact no Class I area and no area where an applicable increment is known to be violated; and

2) Would be temporary.

d) The requirements of Sections 204.1110, 204.1130, and 204.1140 as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than 50 tpy.

SUBPART D: INCREMENT

Section 204.900 Ambient Air Increments

a) In areas designated as Class I, II or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I Area	
$PM_{2.5}$:	
Annual arithmetic mean	1
24-hr maximum	2
PM_{10}:	
Annual arithmetic mean	4
24-hr maximum	8
SO_2:	
Annual arithmetic mean	2
24-hr maximum	5

3-hr maximum	25
NO_2:	
Annual arithmetic mean	2.5
Class II Area	
$PM_{2.5}$:	
Annual arithmetic mean	4
24-hr maximum	9
PM_{10}:	
Annual arithmetic mean	17
24-hr maximum	30
SO_2:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
NO_2:	
Annual arithmetic mean	25
Class III Area	
$PM_{2.5}$:	
Annual arithmetic mean	8
24-hr maximum	18
PM_{10}:	
Annual arithmetic mean	34
24-hr maximum	60
SO_2:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
NO_2:	
Annual arithmetic mean	50

b) For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

Section 204.910 Ambient Air Ceilings

No concentration of a pollutant shall exceed:

a) The concentration permitted under the national secondary ambient air quality standard; or

b) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

Section 204.920 Restrictions on Area Classifications

a) All of the following areas that were in existence on August 7, 1977 shall be Class I areas and may not be redesignated:

1) International parks;

2) National wilderness areas that exceed 5,000 acres in size;

3) National memorial parks that exceed 5,000 acres in size; and

4) National parks that exceed 6,000 acres in size.

b) Areas which were redesignated as Class I under regulations promulgated before August 7, 1977 shall remain Class I, but may be redesignated as provided in this Part.

c) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this Part.

d) The following areas may be redesignated only as Class I or II:

1) An area that, as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

2) A national park or national wilderness area established after August 7, 1977 that exceeds 10,000 acres in size.

Section 204.930 Redesignation

a) As of September 4, 2020, all areas of the State (except as otherwise provided by Section 204.920) are designated Class II as of December 5, 1974. Redesignation

(except as otherwise precluded by Section 204.920) may be proposed by the State or Indian Governing Bodies under this Section, subject to approval by USEPA as a revision to the applicable SIP.

b) The State may submit to USEPA a proposal to redesignate areas of the State Class I or Class II provided that:

1) At least one public hearing has been held in accordance with 35 Ill. Adm. Code 252;

2) Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

3) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

4) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the State has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of 60 days) to confer with the State respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the State shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and

5) The State has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

c) Any area other than an area to which Section 204.920 refers may be redesignated as Class III if:

1) The redesignation would meet the requirements of subsection (b);

2) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor of Illinois:

A) After consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless State law provides that the redesignation must be specifically approved by State legislation); and

B) If general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

3) The redesignation would not cause, or contribute to, a concentration of any air pollutant that would exceed any maximum allowable increase permitted under the classification of any other area or any NAAQS; and

4) Any permit application for any major stationary source or major modification, subject to review under Section 204.1120, that could receive a permit under this Section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available, insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

d) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing Body may submit to USEPA a proposal to redesignate areas Class I, Class II, or Class III, provided that:

1) The Indian Governing Body has followed procedures equivalent to those required of a state under subsections (b), (c)(3), and (c)(4); and

2) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located and that border the Indian Reservation.

e) USEPA shall disapprove, within 90 days after submission, a proposed redesignation of any area only if it finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements or is inconsistent with Section 204.920. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

f) If USEPA disapproves any proposed redesignation, the State or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by USEPA.

SUBPART E: STACK HEIGHTS

Section 204.1000 Stack Heights

a) The degree of emission limitation required for control of any air pollutant under this Part shall not be affected in any manner by:

1) So much portion of the stack height of any source that exceeds good engineering practice; or

2) Any other dispersion technique.

b) Subsection (a) shall not apply with respect to stack heights in existence before December 31, 1970 or to dispersion techniques implemented before then.

SUBPART F: REQUIREMENTS FOR MAJOR STATIONARY SOURCES AND MAJOR MODIFICATIONS IN ATTAINMENT AND UNCLASSIFIABLE AREAS

Section 204.1100 Control Technology Review

a) A major stationary source or major modification shall meet each applicable emissions limitation under the SIP and each applicable emissions standard and standard of performance under 40 CFR 60, 61, 62 and 63 (incorporated by reference in Section 204.100).

b) A new major stationary source shall apply BACT for each regulated NSR pollutant that it would have the potential to emit in significant amounts (defined in Section 204.660).

c) A major modification shall apply BACT for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

d) For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time that occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

Section 204.1110 Source Impact Analysis

The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

a) Any NAAQS in any air quality control region; or

b) Any applicable maximum allowable increase as set forth in Section 204.900 and/or Section 204.1200, as applicable, over the baseline concentration in any area.

Section 204.1120 Air Quality Models

a) All estimates of ambient concentrations required under this Section shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR 51, appendix W (Guideline on Air Quality Models) (incorporated by reference in 35 Ill. Adm. Code 204.100).

b) When an air quality model specified in 40 CFR 51, appendix W (Guideline on Air Quality Models) (incorporated by reference in Section 204.100) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific State program. Written approval of

USEPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in 35 Ill. Adm. Code 252.

Section 204.1130 Air Quality Analysis

a) Preapplication Analysis

1) Any application for a permit under this Part shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

A) For the source, each pollutant that it would have the potential to emit in a significant amount;

B) For the modification, each pollutant for which it would result in a significant net emissions increase.

2) With respect to any such pollutant for which no NAAQS exists, the analysis shall contain air quality monitoring data the Agency determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

3) With respect to any such pollutant for which such a NAAQS does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

4) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application. However, if the Agency determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not less than four months), the data that is required shall have been gathered over at least that shorter period.

5) The owner or operator of a proposed stationary source or modification of VOM who satisfies all conditions of 40 CFR 51, appendix S, section IV,

(incorporated by reference in Section 204.100) may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required by this subsection (a).

b) Postconstruction Monitoring. The owner or operator of a major stationary source or major modification shall, after construction of the stationary source or modification, conduct such ambient monitoring as the Agency determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in any area.

c) Operations of Monitoring Stations. The owner or operator of a major stationary source or major modification shall meet the requirements of 40 CFR 58, appendix B (incorporated by reference in Section 204.100), during the operation of monitoring stations for purposes of satisfying this Section.

Section 204.1140 Additional Impact Analyses

a) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

b) Such owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

SUBPART G: ADDITIONAL REQUIREMENTS FOR CLASS I AREAS

Section 204.1200 Additional Requirements for Sources Impacting Federal Class I Areas

a) Notice to Federal Land Managers. The Agency shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days after receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis

of the proposed source's anticipated impacts on visibility in the Federal Class I area. The Agency shall also provide the Federal Land Manager and such federal officials with a copy of the preliminary determination required by 35 Ill. Adm. Code 252, and shall make available to them any materials used in making that determination, promptly after the Agency makes such determination. Finally, the Agency shall also notify all affected Federal Land Managers within 30 days after receipt of any advance notification of any such permit application.

b) Federal Land Manager. The Federal Land Manager and the federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Agency, whether a proposed source or modification will have an adverse impact on such values.

c) Visibility Analysis. The Agency shall consider any analysis performed by the Federal Land Manager, provided within 30 days after the notification required by subsection (a), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any Federal Class I area. When the Agency finds that such an analysis does not demonstrate to its satisfaction that an adverse impact on visibility will result in the Federal Class I area, the Agency must, in the notice of public hearing on the permit application, either explain its decision or give notice as to where the explanation can be obtained.

d) Denial; Impact On Air Quality Related Values. The Federal Land Manager of any such lands may demonstrate to the Agency that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the Agency concurs with such demonstration, it shall not issue the permit.

e) Class I Variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations that would exceed the maximum allowable

increases for a Class I area. If the Federal Land Manager concurs with such demonstration and so certifies, the Agency may, provided that the applicable requirements of this Part are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of SO_2, $PM_{2.5}$, PM_{10}, and NO_X would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

Pollutant	Maximum allowable increase (micrograms per cubic meter)
$PM_{2.5}$:	
Annual arithmetic mean	4
24-hr maximum	9
PM_{10}:	
Annual arithmetic mean	17
24-hr maximum	30
SO_2:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
NO_2:	
Annual arithmetic mean	25

f) Sulfur Dioxide Variance by Governor with Federal Land Manager's Concurrence. The owner or operator of a proposed source or modification that cannot be approved under subsection (e) may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for SO_2 for a period of 24 hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this subsection would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his or her concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Agency shall issue a permit to such source or modification under subsection (h), provided that the applicable requirements of this Part are otherwise met.

g) Variance by the Governor with the President's Concurrence. In any case in which the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager

shall be transmitted to the President. The President may approve the Governor's recommendation if the President finds that the variance is in the national interest. If the variance is approved, the Agency shall issue a permit under subsection (h), provided that the applicable requirements of this Part are otherwise met.

h) Emissions Limitations for Presidential or Gubernatorial Variance. In the case of a permit issued under subsection (f) or (g), the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of SO_2 from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

MAXIMUM ALLOWABLE INCREASE (Micrograms per cubic meter)		
Period of exposure	Low Terrain	High Terrain
24-hr maximum	36	62
3-hr maximum	130	221

SUBPART H: GENERAL OBLIGATIONS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Section 204.1300 Notification of Application Completeness to Applicants

The Agency shall notify the applicant within 30 days after receipt as to the completeness of an application for a permit under this Part or any deficiency in the application or information submitted in such an application. In the event of such a deficiency, the date of receipt of the application shall be the date on which the Agency receives all required information.

Section 204.1310 Transmittal of Application to USEPA

The Agency shall transmit to USEPA a copy of each permit application submitted under this Part relating to a major stationary source or a major modification.

Section 204.1320 Public Participation

Prior to the initial issuance or a modification of a permit issued under this Part, the Agency shall provide, at a minimum, notice of the proposed issuance or modification of a permit, a comment period, and opportunity for public hearing under the Agency's public participation procedures (35 Ill. Adm. Code 252).

Section 204.1330 Issuance Within One Year of Submittal of Complete Application

Within one year after receipt of a complete application, a permit shall be granted or denied by the Agency.

Section 204.1340 Permit Rescission

a) Any permit issued under this Part or a prior version of this Part shall remain in effect unless and until it expires under Section 204.830 or is rescinded under this Section.

b) An owner or operator of a stationary source or modification who holds a permit issued under this Part or 40 CFR 52.21 for the construction of a new source or modification that meets the requirement in subsection (c) may request that the Agency rescind the permit or a particular portion of the permit.

c) The Agency may grant an application for rescission if the application shows that this Part would not apply to the source or modification.

d) If the Agency rescinds a permit under this Section, it shall post a notice of the rescission determination on a public web site identified by it within 60 days after the rescission.

SUBPART I: NONAPPLICABILITY RECORDKEEPING AND REPORTING

Section 204.1400 Recordkeeping and Reporting Requirements for Certain Projects at Major Stationary Sources

Except as otherwise provided in subsection (f)(2), the provisions of this Section apply with respect to any regulated NSR pollutant emitted from projects involving existing emissions unit or units at a major stationary source (other than projects at a source with a PAL) in circumstances in which there is a reasonable possibility, within the meaning of subsection (f), that a project that is not a major modification for the pollutant may result in a significant emissions increase of such

pollutant, and the owner or operator elects to use the method specified in Section 204.600(b)(1) through (b)(3) for calculating projected actual emissions.

a) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

1) A description of the project;

2) Identification of the emissions unit or units whose emissions of a regulated NSR pollutant could be affected by the project; and

3) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under Section 204.600(b)(3), an explanation for why such amount was excluded, and any netting calculations, if applicable.

b) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in subsection (a) to the Agency. Nothing in this subsection shall be construed to require the owner or operator of such a unit to obtain any determination from the Agency before beginning actual construction.

c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subsection (a)(2); and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.

d) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Agency within 60 days after the end of each year during which records must be generated under subsection (c) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

e) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Agency if the annual emissions, in tons per year, from the project identified in subsection (a), exceed the baseline actual emissions (as documented and maintained under subsection (a)(3), by a significant amount (as defined in Section 204.660) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained under subsection (a)(3). Such report shall be submitted to the Agency within 60 days after the end of such year. The report shall contain the following:

1) The name, address and telephone number of the major stationary source;

2) The annual emissions as calculated under subsection (c); and

3) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

f) A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:

1) A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase", as defined in Section 204.670 (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or

2) A projected actual emissions increase that, added to the amount of emissions excluded under Section 204.600(b)(3), sums to at least 50 percent of the amount that is a "significant emissions increase", as defined under Section 204.670 (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of this subsection (f)(2), and not also within the meaning of subsection (f)(1), then subsections (b) through (e) do not apply to the project.

g) The owner or operator of the source shall make the information required to be documented and maintained under this Section available for review upon a request for inspection by the Agency or USEPA or the general public pursuant to the requirements contained in Section 39.5(8)(e) of the Act.

SUBPART J: INNOVATIVE CONTROL TECHNOLOGY

Section 204.1500 Innovative Control Technology

a) An owner or operator of a proposed major stationary source or major modification may request that the Agency in writing no later than the close of the comment period under 35 Ill. Adm. Code 252 to approve a system of innovative control technology.

b) The Agency shall, with the consent of the Governor, determine that the source or modification may employ a system of innovative control technology if:

1) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

2) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under Section 204.1100(b), by a date specified by the Agency. Such date shall not be later than 4 years after the time of startup or 7 years after permit issuance;

3) The source or modification would meet the requirements of Sections 204.1100 and 204.1110, based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Agency;

4) The source or modification would not, before the date specified by the Agency:

A) Cause or contribute to a violation of an applicable NAAQS; or

B) Impact any area where an applicable increment is known to be violated;

5) All other applicable requirements, including those for public participation, have been met; and

6) The provisions of Section 204.1200 (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.

c) The Agency shall withdraw any approval to employ a system of innovative control technology made under this Section if:

1) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate;

2) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or

3) The Agency decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

d) If a source or modification fails to meet the required level of continuous emissions reduction within the specified time period or the approval is withdrawn in accordance with subsection (c), the Agency may allow the source or modification up to an additional 3 years to meet the requirement for the application of BACT through use of a demonstrated system of control.

SUBPART K: PLANTWIDE APPLICABILITY LIMITATION

Section 204.1600 Applicability

a) The Agency may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements of this Subpart. The term "PAL" shall mean "actuals PAL" throughout this Subpart.

b) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in this Subpart, and complies with the PAL permit:

1) Is not a major modification for the PAL pollutant;

2) Does not have to be approved through the major NSR program; and

3) Is not subject to the provisions in Section 204.850 (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program).

c) Except as provided by subsection (b)(2), a major stationary source shall continue to comply with all applicable federal or State requirements, emissions limitations, and work practice requirements that were established prior to the effective date of the PAL.

Section 204.1610 Definitions

For the purposes of this Subpart, the definitions in Sections 204.1620 through 204.1780 apply. When a term is not defined in these Sections, it shall have the meaning given in this Part, 35 Ill. Adm. Code 211, or the CAA.

Section 204.1620 Actuals PAL

"Actuals PAL", for a major stationary source, means a PAL based on the baseline actual emissions (as defined in Section 204.240) of all emissions units (as defined in Section 204.370) at the source that emit or have the potential to emit the PAL pollutant.

Section 204.1630 Allowable Emissions

"Allowable emissions" means "allowable emissions" as defined in Section 204.230, except that the allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

Section 204.1640 Continuous Emissions Monitoring System (CEMS)

"Continuous emissions monitoring system" or "CEMS" means all of the equipment that may be required to meet the data acquisition and availability requirements of this Part, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

Section 204.1650 Continuous Emissions Rate Monitoring System (CERMS)

"Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

Section 204.1660 Continuous Parameter Monitoring System (CPMS)

"Continuous parameter monitoring system" or "CPMS" means all of the equipment necessary to meet the data acquisition and availability requirements of this Part to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and to record average operational parameter value or values on a continuous basis.

Section 204.1670 Lowest Achievable Emission Rate (LAER)

"Lowest achievable emission rate" or "LAER" has the meaning given by 35 Ill. Adm. Code 203.301(a).

Section 204.1680 Major Emissions Unit

"Major emissions unit" means any emissions unit that emits or has the potential to emit 100 tpy or more of the PAL pollutant in an attainment area.

Section 204.1690 Plantwide Applicability Limitation (PAL)

"Plantwide applicability limitation" or "PAL" means an emission limitation expressed on a mass basis in tons per year, or expressed in tons per year CO_2e for a GHG emission limitation for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this Subpart.

Section 204.1700 PAL Effective Date

"PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

Section 204.1710 PAL Effective Period

"PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.

Section 204.1720 PAL Major Modification

"PAL major modification" means, notwithstanding Sections 204.490 and 204.550 (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

Section 204.1730 PAL Permit

"PAL permit" means the major NSR permit, the minor NSR permit, or the State operating permit under a program that is approved into the SIP, or the CAAPP permit issued by the Agency that establishes a PAL for a major stationary source.

Section 204.1740 PAL Pollutant

"PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.

Section 204.1750 Predictive Emissions Monitoring System (PEMS)

"Predictive emissions monitoring system" or "PEMS" means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and to calculate and record the mass emissions rate (e.g., lb/hr) on a continuous basis.

Section 204.1760 Reasonably Achievable Control Technology (RACT)

"Reasonably Achievable Control Technology" or "RACT" means devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

a) The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;

b) The social, environmental, and economic impact of such controls; and

c) Alternative means of providing for attainment and maintenance of such standard.

Section 204.1770 Significant Emissions Unit

"Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in

Section 204.660 or in the CAA, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit (as defined in Section 204.1680).

Section 204.1780 Small Emissions Unit

"Small emissions unit" means an emissions unit that emits, or has the potential to emit, the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in Section 204.660 or in the CAA, whichever is lower.

Section 204.1790 Permit Application Requirements

As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the Agency for approval:

a) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or State applicable requirements, emission limitations, or work practices apply to each unit.

b) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by Section 204.1890(a).

Section 204.1800 General Requirements for Establishing PAL

a) The Agency is allowed to establish a PAL at a major stationary source, provided that, at a minimum, the requirements of this Section are met.

1) The PAL shall impose an annual emission limitation expressed on a mass basis in tons per year, or expressed in tons per year CO_2e for a GHG PAL, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or

operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months after the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

2) The PAL shall be established in a PAL permit that meets the public participation requirements in Section 204.1810.

3) The PAL permit shall contain all the requirements of Section 204.1830.

4) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

5) Each PAL shall regulate emissions of only one pollutant.

6) Each PAL shall have a PAL effective period of 10 years.

7) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Sections 204.1880 through 204.1900 for each emissions unit under the PAL through the PAL effective period.

b) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under 35 Ill. Adm. Code 203 unless the level of the PAL is reduced by the amount of those emissions reductions and the reductions would be creditable in the absence of the PAL.

Section 204.1810 Public Participation Requirements

PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent with 35 Ill. Adm. Code 252. This includes the requirement that the Agency provide the public with notice of the proposed approval of a PAL permit and provide at least a 30-day period for submittal of public comment. The Agency must address all material comments before taking final action on the permit.

Section 204.1820 Setting the 10-Year Actuals PAL Level

a) Except as provided in subsection (b), the plan shall provide that the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in Section 204.240) of the PAL pollutant for each emissions unit at the source, plus an amount equal to the applicable significant level for the PAL pollutant under Section 204.660 or under the CAA, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Agency shall specify in the PAL permit a reduced PAL level or levels in tons per year (or tons per year CO_2e for a GHG PAL) to become effective on the future compliance date or dates of any applicable federal or State regulatory requirement or requirements that the Agency is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers to half the baseline emissions of 60 ppm NO_X to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of the unit or units.

b) For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in subsection (a), the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

Section 204.1830 Contents of the PAL Permit

The PAL permit must contain, at a minimum:

a) The PAL pollutant and the applicable source-wide emission limitation in tons per year, or tons per year CO_2e for a GHG PAL.

b) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

c) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with Section 204.1860 before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Agency.

d) A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.

e) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of Section 204.1850.

f) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by Section 204.1890(a).

g) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under Section 204.1880.

h) A requirement to retain the records required by Section 204.1890 on site. Such records may be retained in an electronic format.

i) A requirement to submit the reports required by Section 204.1900 by the required deadlines.

j) Any other requirements that the Agency deems necessary to implement and enforce the PAL.

Section 204.1840 Effective Period and Reopening a PAL Permit

The requirements in subsections (a) and (b) apply to actuals PALs.

a) PAL Effective Period. The Agency shall specify a PAL effective period of 10 years.

b) Reopening of the PAL Permit

1) During the PAL effective period, the Agency must reopen the PAL permit to:

A) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

B) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under 35 Ill. Adm. Code 203; and

C) Revise the PAL to reflect an increase in the PAL as provided under Section 204.1870.

2) The Agency shall have discretion to reopen the PAL permit for the following:

A) Reduce the PAL to reflect newly applicable federal requirements (for example, NSPS) with compliance dates after the PAL effective date;

B) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the Agency may impose on the major stationary source under the SIP; and

C) Reduce the PAL if the Agency determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

c) Except for the permit reopening allowed by subsection (b)(1)(A) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of Section 204.1810.

Section 204.1850 Expiration of a PAL

Any PAL that is not renewed in accordance with Section 204.1860 shall expire at the end of the PAL effective period, and the requirements in this Section shall apply.

a) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established under this subsection (a).

1) Within the time frame specified for PAL renewals in Section 204.1860(b), the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate, as decided by the Agency) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under Section 204.1860(e), such distribution shall be made as if the PAL had been adjusted.

2) The Agency shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Agency determines appropriate.

b) Each emissions unit or units shall comply with the allowable emission limitation on a 12-month rolling basis. The Agency may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

c) Until the Agency issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required by subsection (a)(2), the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

d) Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if such change meets the definition of major modification in Section 204.490.

e) The major stationary source owner or operator shall continue to comply with any State or federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective

period except for those emission limitations that had been established under Section 204.850, but were eliminated by the PAL in accordance with Section 204.1600(b)(3).

Section 204.1860 Renewal of a PAL

a) The Agency shall follow the procedures specified in Section 204.1810 in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Agency.

b) Application Deadline. A major stationary source owner or operator shall submit a timely application to the Agency to request renewal of a PAL. A timely application is one that is submitted at least 6 months before, but not earlier than 18 months before, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

c) Application Requirements. The application to renew a PAL permit shall contain:

1) The information required in Section 204.1790.

2) A proposed PAL level.

3) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

4) Any other information the owner or operator wishes the Agency to consider in determining the appropriate level for renewing the PAL.

d) PAL Adjustment. In determining whether and how to adjust the PAL, the Agency shall consider the options outlined in subsections (d)(1) and (d)(2). However, in no case may any such adjustment fail to comply with subsection (d)(3).

1) If the emissions level calculated in accordance with Section 204.1820 is equal to or greater than 80 percent of the PAL level, the Agency may

renew the PAL at the same level without considering the factors set forth in subsection (d)(2); or

2) The Agency may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Agency in its written rationale.

3) Notwithstanding subsection (d)(1):

A) If the potential to emit of the major stationary source is less than the PAL, the Agency shall adjust the PAL to a level no greater than the potential to emit of the source; and

B) The Agency shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of Section 204.1870 (increasing a PAL).

e) If the compliance date for a State or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Agency has not already adjusted for that requirement, the PAL shall be adjusted at the time of PAL permit renewal or CAAPP permit renewal, whichever occurs first.

Section 204.1870 Increasing the PAL During the PAL Effective Period

a) The Agency may increase a PAL emission limitation only if the major stationary source complies with this subsection (a).

1) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit or units contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

2) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the

significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit or units exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit or units shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

3) The owner or operator obtains a major NSR permit for all emissions unit or units identified in subsection (a)(1), regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit or units shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.

4) The PAL permit shall require that the increased PAL level must be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

b) The Agency shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with subsection (a)(2)), plus the sum of the baseline actual emissions of the small emissions units.

c) The PAL permit shall be revised to reflect the increased PAL level under the public notice requirements of Section 204.1810.

Section 204.1880 Monitoring Requirements

a) General Requirements

1) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the

PAL pollutant in terms of mass per unit of time, or in CO_2e per unit of time for a GHG PAL. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

2) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in subsection (b) and must be approved by the Agency.

3) Notwithstanding subsection (a)(2), the owner or operator may also employ an alternative monitoring approach that meets subsection (a)(1) if approved by the Agency.

4) Failure to use a monitoring system that meets the requirements of this Section renders the PAL invalid.

b) Minimum Performance Requirements for Approved Monitoring Approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in subsections (c) through (i):

1) Mass balance calculations for activities using coatings or solvents;

2) CEMS;

3) CPMS or PEMS; and

4) Emission factors.

c) Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

2) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

3) When the vendor of a material or fuel, that is used in or at the emissions unit, publishes a range of pollutant content from that material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Agency determines there is site-specific data or a site-specific monitoring program to support another content within the range.

d) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

1) CEMS must comply with applicable Performance Specifications found in 40 CFR 60, appendix B (incorporated by reference in Section 204.100); and

2) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.

e) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

1) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter or parameters and the PAL pollutant emissions across the range of operation of the emissions unit; and

2) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Agency, while the emissions unit is operating.

f) Emission Factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

1) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

2) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

3) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months after PAL permit issuance, unless the Agency determines that testing is not required.

g) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during those periods is specified in the PAL permit.

h) Notwithstanding the requirements of subsections (c) through (g), when an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter or parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, the Agency shall, at the time of permit issuance:

1) Establish a default value or values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at the operating point or points; or

2) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter or parameters and the PAL pollutant emissions is a violation of the PAL.

i) Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the Agency. The testing must occur at least once every 5 years after issuance of the PAL.

Section 204.1890 Recordkeeping Requirements

a) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this Subpart and of

the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

b) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:

1) A copy of the PAL permit application and any applications for revisions to the PAL; and

2) Each annual certification of compliance under Section 39.5(7)(p)(v) of the Act and the data relied on in certifying the compliance.

Section 204.1900 Reporting and Notification Requirements

The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the Agency in accordance with the CAAPP. The reports shall meet the requirements of this Section.

a) Semiannual Report. The semiannual report shall be submitted to the Agency within 30 days after the end of each reporting period. This report shall contain the information required in subsection (a).

1) Identification of the owner and operator and the permit number.

2) Total annual emissions (expressed on a mass-basis in tons per year, or expressed in tons per year CO_2e for a GHG PAL) based on a 12-month rolling total for each month in the reporting period recorded under Section 204.1890(a).

3) All data relied upon, including any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

4) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

5) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

6) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by the method included in the permit, as provided by Section 204.1880(g).

7) A signed statement by the responsible official (as defined by the CAAPP) certifying the truth, accuracy, and completeness of the information provided in the report.

b) Deviation Report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods when no monitoring is available. A report submitted under 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports shall contain the following information:

1) The identification of owner and operator and the permit number;

2) The PAL requirement that experienced the deviation or that was exceeded;

3) Emissions resulting from the deviation or the exceedance; and

4) A signed statement by the responsible official (as defined by the CAAPP) certifying the truth, accuracy, and completeness of the information provided in the report.

c) Revalidation Results. The owner or operator shall submit to the Agency the results of any revalidation test or method within 3 months after completion of such test or method.

Section 204.1910 Transition Requirements

The Agency may not issue a PAL that does not comply with this Subpart after September 4, 2020.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Number: 211.7150 Adopted Action: Amendment

4) Statutory Authority: Implementing Section 9.1 and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/9.1, 27 and 28].

5) Effective Date of Rule: September 4, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rule is available on the Board's website (https://pcb.illinois.gov/) and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 4463; March 20, 2020

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

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications to its first-notice proposal.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

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

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

15) Summary and Purpose of Rulemaking: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 204 of its air pollution rules to create a Prevention of Significant Deterioration (PSD) permitting program. IEPA intends that its proposal will allow it to assume responsibility for PSD permitting from the United States

Environmental Protection Agency and also allow the Board to assume responsibility for appeals of PSD permits issued by IEPA. IEPA states that its proposal meets requirements to establish such a program under Section 9.1(c) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/9.1(c) (2018]; see PA 99-463, eff. Jan. 1, 2016.

IEPA proposed to amend existing Part 211 of the Board's existing volatile organic material (VOM) rules to conform with the new Part 204 and accommodate PSD permit appeals.

The Board's first-notice, second-notice, and adoption opinions and orders in this rulemaking may be viewed and downloaded on the Board's website (https://pcb.illinois.gov/).

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

312/814-6931
tim.fox@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (https://pcb.illinois.gov/). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R19-01 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporated and Referenced Materials
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.200 Acrylonitrile Butadiene Styrene (ABS) Welding
211.210 Actual Heat Input
211.230 Adhesive
211.233 Adhesion Primer
211.235 Adhesive Primer
211.240 Adhesion Promoter
211.250 Aeration
211.260 Aerosol Adhesive and Adhesive Primer
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment

211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.479 Allowance
211.481 Ammunition Sealant
211.484 Animal
211.485 Animal Pathological Waste
211.490 Annual Grain Through-Put
211.492 Antifoulant Coating
211.493 Antifouling Sealer/Tie Coat
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.540 Architectural Structure
211.550 As Applied
211.560 As-Applied Fountain Solution
211.570 Asphalt
211.590 Asphalt Prime Coat
211.610 Automobile
211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650 Automobile or Light-Duty Truck Refinishing
211.660 Automotive/Transportation Plastic Parts
211.665 Auxiliary Boiler
211.670 Baked Coatings
211.680 Bakery Oven
211.685 Basecoat/Clearcoat System
211.690 Batch Loading
211.695 Batch Operation
211.696 Batch Process Train
211.710 Bead-Dipping
211.715 Bedliner
211.730 Binders
211.735 Black Coating
211.740 Brakehorsepower (rated-bhp)
211.750 British Thermal Unit
211.770 Brush or Wipe Coating
211.790 Bulk Gasoline Plant

211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
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211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
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211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
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211.1465 Continuous Automatic Stoking
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211.1650 Cutback Asphalt
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211.1670 Daily-Weighted Average VOM Content
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211.1700 Deadener
211.1710 Degreaser
211.1730 Delivery Vessel
211.1740 Diesel Engine
211.1745 Digital Printing
211.1750 Dip Coating
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211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
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211.1876	Electric Dissipating Coating
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211.1880	Electrical Switchgear Compartment Coating
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211.1900	Electrostatic Prep Coat
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211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
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211.2270 Federally Enforceable Limitations and Conditions
211.2285 Feed Mill
211.2290 Fermentation Time
211.2300 Fill
211.2310 Final Repair Coat
211.2320 Finish Primer Surfacer
211.2330 Firebox
211.2350 Fixed-Roof Tank
211.2355 Flare
211.2357 Flat Glass
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211.2359 Flat Wood Paneling Coating Line
211.2360 Flexible Coating
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211.2390 Flexographic Printing Line
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211.2415 Fog Coat
211.2420 Fossil Fuel
211.2425 Fossil Fuel-Fired
211.2430 Fountain Solution
211.2450 Freeboard Height
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211.2490 Fugitive Particulate Matter
211.2510 Full Operating Flowrate
211.2525 Gasket/Gasket Sealing Material
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211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610 Gel Coat
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211.2620 Generator
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211.2625 Glass Melting Furnace

211.2630 Gloss Reducers
211.2650 Grain
211.2670 Grain-Drying Operation
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211.2710 Grain-Handling Operation
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211.2770 Gross Heating Value
211.2790 Gross Vehicle Weight Rating
211.2800 Hardwood Plywood
211.2810 Heated Airless Spray
211.2815 Heat Input
211.2820 Heat Input Rate
211.2825 Heat-Resistant Coating
211.2830 Heatset
211.2840 Heatset Web Letterpress Printing Line
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211.2870 Heavy Liquid
211.2890 Heavy Metals
211.2910 Heavy Off-Highway Vehicle Products
211.2930 Heavy Off-Highway Vehicle Products Coating
211.2950 Heavy Off-Highway Vehicle Products Coating Line
211.2955 High Bake Coating
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211.2965 High Precision Optic
211.2970 High Temperature Aluminum Coating
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211.3110 Ink
211.3120 In-Line Repair

211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
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211.3210	Internal Transferring Area
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211.3270	Large Appliance Coating
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211.3330	Light-Duty Truck
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211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
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211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
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211.3980	Nameplate Capacity

211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO_x Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
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211.4490 Paper Coating Line
211.4510 Particulate Matter
211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4540 Perimeter Bonded Sheet Flooring
211.4550 Person
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211.4610 Petroleum Liquid
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211.4730 Plant
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211.4760 Plastic Solvent Welding Adhesive
211.4765 Plastic Solvent Welding Adhesive Primer
211.4768 Pleasure Craft
211.4769 Pleasure Craft Surface Coating
211.4770 PM-10
211.4790 Pneumatic Rubber Tire Manufacture
211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830 Polyester Resin Material(s)
211.4850 Polyester Resin Products Manufacturing Process
211.4870 Polystyrene Plant
211.4890 Polystyrene Resin
211.4895 Polyvinyl Chloride Plastic (PVC Plastic)
211.4900 Porous Material
211.4910 Portable Grain-Handling Equipment
211.4930 Portland Cement Manufacturing Process Emission Source
211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
211.4960 Potential Electrical Output Capacity
211.4970 Potential to Emit
211.4990 Power Driven Fastener Coating
211.5010 Precoat
211.5012 Prefabricated Architectural Coating
211.5015 Preheater Kiln

211.5020 Preheater/Precalciner Kiln
211.5030 Pressure Release
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211.5061 Pretreatment Coating
211.5062 Pretreatment Wash Primer
211.5065 Primary Product
211.5070 Prime Coat
211.5075 Primer Sealant
211.5080 Primer Sealer
211.5090 Primer Surfacer Coat
211.5110 Primer Surfacer Operation
211.5130 Primers
211.5140 Printed Interior Panel
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211.5170 Printing Line
211.5185 Process Emission Source
211.5190 Process Emission Unit
211.5195 Process Heater
211.5210 Process Unit
211.5230 Process Unit Shutdown
211.5245 Process Vent
211.5250 Process Weight Rate
211.5270 Production Equipment Exhaust System
211.5310 Publication Rotogravure Printing Line
211.5330 Purged Process Fluid
211.5335 Radiation Effect Coating
211.5340 Rated Heat Input Capacity
211.5350 Reactor
211.5370 Reasonably Available Control Technology (RACT)
211.5390 Reclamation System
211.5400 Red Coating
211.5410 Refiner
211.5430 Refinery Fuel Gas
211.5450 Refinery Fuel Gas System
211.5470 Refinery Unit or Refinery Process Unit
211.5480 Reflective Argent Coating
211.5490 Refrigerated Condenser
211.5500 Regulated Air Pollutant

211.5510 Reid Vapor Pressure
211.5520 Reinforced Plastic Composite
211.5530 Repair
211.5535 Repair Cleaning
211.5550 Repair Coat
211.5570 Repaired
211.5580 Repowering
211.5585 Research and Development Operation
211.5590 Residual Fuel Oil
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211.5610 Restricted Area
211.5630 Retail Outlet
211.5640 Rich-Burn Engine
211.5650 Ringelmann Chart
211.5670 Roadway
211.5690 Roll Coater
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211.5800 Rubber
211.5810 Safety Relief Valve
211.5830 Sandblasting
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211.5870 Screening
211.5875 Screen Printing
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211.5885 Screen Reclamation
211.5890 Sealer
211.5910 Semi-Transparent Stains
211.5930 Sensor
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211.5970 Sheet Basecoat
211.5980 Sheet-Fed
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211.5987 Shock-Free Coating
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211.6010 Side-Seam Spray Coat
211.6012 Silicone-Release Coating
211.6015 Single-Ply Roof Membrane
211.6017 Single-Ply Roof Membrane Adhesive Primer
211.6020 Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025 Single Unit Operation
211.6030 Smoke
211.6050 Smokeless Flare
211.6060 Soft Coat
211.6063 Solar-Absorbent Coating
211.6065 Solids Turnover Ratio (R_T)
211.6070 Solvent
211.6090 Solvent Cleaning
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211.6130 Source
211.6140 Specialty Coatings
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211.6150 Specialty High Gloss Catalyzed Coating
211.6170 Specialty Leather
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211.6210 Splash Loading
211.6230 Stack
211.6250 Stain Coating
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211.6290 Standard Cubic Foot (scf)
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211.6570	Tablet Coating Operation
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211.6830	Under-the-Cup Fill
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211.6890 Vacuum Producing System
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211.6950 Vapor Balance System
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211.6990 Vapor Control System
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211.7110 Volatile Organic Liquid (VOL)
211.7130 Volatile Organic Material Content (VOMC)
211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170 Volatile Petroleum Liquid
211.7190 Wash Coat
211.7200 Washoff Operations
211.7210 Wastewater (Oil/Water) Separator
211.7220 Waterproof Resorcinol Glue
211.7230 Weak Nitric Acid Manufacturing Process
211.7240 Weatherstrip Adhesive
211.7250 Web
211.7270 Wholesale Purchase − Consumer
211.7290 Wood Furniture
211.7310 Wood Furniture Coating
211.7330 Wood Furniture Coating Line
211.7350 Woodworking
211.7400 Yeast Percentage

211.APPENDIX A Rule into Section Table
211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21,

1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R15-5 at 39 Ill. Reg. 5410, effective March 24, 2015;

amended in R17-2 at 41 Ill. Reg. 1096, effective January 23, 2017; amended in R17-9 at 41 Ill. Reg. 4173, effective March 24, 2017; amended in R17-11 at 41 Ill. Reg. 13389, effective October 23, 2017; amended in R19-15 at 44 Ill. Reg. 14199, effective August 8, 2020; amended in R19-1 at 44 Ill. Reg. 15009, effective September 4, 2020.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity.

2-Amino-2-methylpropan-1-ol (CAS No. 124-68-5)
Bis(difluoromethoxy)difluoromethane (HFE-236cal2, CAS No. 78522-47-1)
1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane (HFE-338pcc13, CAS No. 188690-78-0)
tertiary-Butyl acetate (1,1-dimethylethyl acetic acid ester, CAS No. 540-88-5)
1-Chloro-1,1-difluoroethane (HCFC-142b, CAS No. 75-68-3)
Chlorodifluoromethane (CFC-22, CAS No. 75-45-6)
1-Chloro-1-fluoroethane (HCFC-151a, CAS No. 1615-75-4)
Chlorofluoromethane (HCFC-31, CAS No. 593-70-4)
Chloropentafluoroethane (CFC-115, CAS No. 76-15-3)
2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124, CAS No. 2837-89-0)
1-Chloro-4-(trifluoromethyl)benzene (parachlorobenzotrifluoride (PCBTF), CAS No. 98-56-6)
(1E)-1-Chloro-3,3,3-trifluoroprop-1-ene (trans-1-chloro-3,3,3-trifluoroprop-1-ene, CAS No. 102687-65-0)
1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300, CAS No. 132182-92-4)

1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC-4310mee, CAS No. 138495-42-8)
Dichlorodifluoromethane (CFC-12, CAS No. 75-71-8)
1,1-Dichloro-1-fluoroethane (HCFC-141b, CAS No. 1717-00-6)
Dichloromethane (methylene chloride, CAS No. 75-09-2)
1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb, CAS No. 507-55-1)
3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca, CAS No. 422-56-0)
1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114, CAS No. 76-14-2)
1,1-Dichloro-2,2,2-trifluoroethane (HCFC-123, CAS No. 306-83-2)
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a, CAS No. 354-23-4)
1,1-Difluoroethane (HFC-152a, CAS No. 75-37-6)
Difluoromethane (HFC-32, CAS No. 75-10-5)
(Difloromethoxy)difluoromethane (HFE-134, CAS No. 1691-17-4)
1-(Difloromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-tetrafluoroethane (HFE-43-10pccc124, CAS No. 188690-77-9)
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-08-7)
Dimethyl carbonate (CAS No. 616-38-6)
Ethane (CAS No. 74-84-0)
2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-06-5)
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500, CAS No. 297730-93-9)
1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (HFE-7200, CAS No. 163702-05-4)
Fluoroethane (ethyl fluoride, HFC-161, CAS No. 353-36-6)
1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane (HFE-7000, CAS No. 375-03-1)
1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea, CAS No. 431-89-0)
(Z)-1,1,1,4,4,4-Hexafluorobut-2-ene (HFO-1336mzz-Z, CAS No. 692-49-9)
1,1,1,2,3,3-Hexafluoropropane (HFC-236ea, CAS No. 431-63-0)
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa, CAS No. 690-39-1)
Methane (CAS No. 74-82-8)
Methyl acetate (methyl ethanoate, CAS No. 79-20-9)
4-Methyl-1,3-dioxolan-2-one (propylene carbonate, CAS No. 108-32-7)
Methyl formate (methyl methanoate, CAS No. 107-31-3)

1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (HFE-7100, CAS No. 163702-07-6)
1,1,1,3,3-Pentafluorobutane (HFC-365mfc, CAS No. 406-58-6)
Pentafluoroethane (HFC-125, CAS No. 354-33-6)
1,1,1,2,3-Pentafluoropropane (HFC-245eb, CAS No. 431-31-2)
1,1,1,3,3-Pentafluoropropane (HFC-245fa, CAS No. 460-73-1)
1,1,2,2,3-Pentafluoropropane (HFC-245ca, CAS No. 679-86-7)
1,1,2,3,3-Pentafluoropropane (HFC-245ea, CAS No. 24270-66-4)
Perfluorocarbon compounds that fall into the following classes:
Cyclic, branched, or linear, completely fluorinated alkanes
Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations
Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations
Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
Propan-2-one (acetone or dimethylketone, CAS No. 67-64-1)
Siloxanes: cyclic, branched, or linear completely-methylated
Tetrachloroethene (perchloroethylene, CAS No. 127-18-4)
1,1,1,2-Tetrafluoroethane (HFC-134a, CAS No. 811-97-2)
1,1,2,2-Tetrafluoroethane (HFC-134, CAS No. 359-35-3)
(1E)-1,3,3,3-Tetrafluoropropene (trans-1,3,3,3-tetrafluoropropene, HFO-1234ze, CAS No. 29118-24-9)
2,3,3,3-Tetrafluoroprop-1-ene (HFO-1234yf, CAS No. 754-12-1)
1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy)ethane (HFE-347pcf2, CAS No. 406-78-0)
1,1,1-Trichloroethane (methyl chloroform, CAS No. 71-55-6)
Trichlorofluoromethane (CFC-11, CAS No. 75-69-4)
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113, CAS No. 76-13-1)
1,1,1-Trifluoroethane (HFC-143a, CAS No. 420-46-2)
Trifluoromethane (HFC-23, CAS No. 75-46-7)

b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established under~~pursuant to~~ a permit issued under a program approved or promulgated under Title V of the Clean Air Act; under 35 Ill. Adm. Code 203~~40 CFR 51, subpart I or appendix S, incorporated by~~

~~reference at 35 Ill. Adm. Code 218.112 and 219.112~~; or under Section 9.1(d) of the Act~~under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable~~. If~~Where~~ such a method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOM if the amount of those~~such~~ compounds is accurately quantified and the exclusion is approved by the Agency.

c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly reactive compounds in the source's emissions.

d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly reactive compounds if the~~such~~ determination is not reflected in any of the test methods in subsection (b).

(Source: Amended at 44 Ill. Reg. 15009, effective September 4, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations

2) Code Citation: 35 Ill. Adm. Code 215

3)

Section Numbers:	Adopted Actions:
215.920	Amendment
215.940	Amendment
215.960	Amendment

4) Statutory Authority: Implementing Section 9.1 and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/9.1, 27 and 28].

5) Effective Date of Rules: September 4, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules are available on the Board's website (https://pcb.illinois.gov/) and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.

9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 4487; March 20, 2020

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

11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications to its first-notice proposal.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were made.

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

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

15) Summary and Purpose of Rulemaking: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 204 of its air pollution rules to create a

Prevention of Significant Deterioration (PSD) permitting program. IEPA intends that its proposal will allow it to assume responsibility for PSD permitting from the United States Environmental Protection Agency and also allow the Board to assume responsibility for appeals of PSD permits issued by IEPA. IEPA states that its proposal meets requirements to establish such a program under Section 9.1(c) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/9.1(c) (2018)]; see PA 99-463, eff. Jan. 1, 2016.

IEPA proposed to amend existing Part 215 of the Board's organic material emissions and limitations rules to conform with the new Part 204 and accommodate PSD permit appeals.

The Board's first-notice, second-notice, and adoption opinions and orders in this rulemaking may be viewed and downloaded on the Board's website (https://pcb.illinois.gov/).

16) Information and questions regarding these adopted rules shall be directed to:

Tim Fox
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

312/814-6931
tim.fox@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (https://pcb.illinois.gov/). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R19-01 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
215.100 Introduction
215.101 Clean-up and Disposal Operations
215.102 Testing Methods
215.103 Abbreviations and Conversion Factors
215.104 Definitions
215.105 Incorporation by Reference
215.106 Afterburners
215.107 Determination of Applicability
215.108 Measurement of Vapor Pressures
215.109 Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section
215.121 Storage Containers
215.122 Loading Operations
215.123 Petroleum Liquid Storage Tanks
215.124 External Floating Roofs
215.125 Compliance Dates and Geographical Areas
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215.427 Alternative Program for Leaks
215.428 Compliance Dates
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215.430 General Requirements
215.431 Inspection Program Plan for Leaks
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215.442 Vacuum Producing Systems
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215.446 Monitoring Program Plan for Leaks
215.447 Monitoring Program for Leaks
215.448 Recordkeeping for Leaks
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215.450 Alternative Program for Leaks
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Section
215.461 Manufacture of Pneumatic Rubber Tires
215.462 Green Tire Spraying Operations
215.463 Alternative Emission Reduction Systems
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215.465 Compliance Dates and Geographical Areas
215.466 Compliance Plan
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Section
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Section
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215.583 Gasoline Dispensing Facilities – Storage Tank Filling Operations
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215.607 Standards for Petroleum Solvent Dry Cleaners
215.608 Operating Practices for Petroleum Solvent Dry Cleaners
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215.610 Testing and Monitoring
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215.612 Compliance Dates and Geographical Areas
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215.614 Testing Method for Volatile Organic Material Content of Wastes
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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

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215.923 Permit Conditions
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SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
215.940 Applicability
215.943 Permit Conditions
215.946 Control Requirements

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

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215.960 Applicability
215.963 Permit Conditions
215.966 Control Requirements

215.APPENDIX A Rule into Section Table
215.APPENDIX B Section into Rule Table
215.APPENDIX C Past Compliance Dates
215.APPENDIX D List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
215.APPENDIX E Reference Methods and Procedures
215.APPENDIX F Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601 Corrected at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 15, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. 11427, effective June 19, 1998; amended in R12-24 at 37 Ill. Reg. 1683, effective January 28, 2013; expedited correction at 37 Ill. Reg. 16858, effective January 28, 2013; amended in R19-1 at 44 Ill. Reg. 15032, effective September 4, 2020.

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section 215.920 Applicability

a) The requirements of this Subpart ~~shall~~ apply to the following counties: Cook, DuPage, Kane, Lake, Macoupin, Madison, McHenry, Monroe, St. Clair and Will.

b) The requirements of this Subpart ~~shall~~ apply to a plant's miscellaneous fabricated product manufacturing process emission sources that~~which~~ are not regulated by

Subparts B, E, F, N, P, Q, R, S, U, V, X, Y, or Z if the plant is subject to this Subpart. A plant is subject to this Subpart if it contains process emission sources, not regulated by Subparts B, E, F, N, P, Q, R, S, U, V, X, Y, or Z, which as a group would emit 100 tons or more per year of volatile organic material if no air pollution control equipment were used.

c) If a plant ceases to fulfill the criteria of subsection (b), the requirements of this Subpart ~~shall~~ continue to apply to a miscellaneous fabricated products manufacturing process emission source which was subject to and met the control requirements of Section 215.926.

d) No limits under this Subpart ~~shall~~ apply to:

1) Emission sources with emissions of volatile organic material to the atmosphere less than or equal to 1.0 tons per year if the total emissions from those~~such~~ sources not complying with Section 215.926 do~~does~~ not exceed 5.0 tons per year;~~,~~ and

2) Emission sources whose emissions of volatile organic material are subject to limits in 35 Ill. Adm. Code 230 or 35 Ill. Adm. Code 231; or the Lowest Achievable Emission Rate, under~~pursuant to~~ 35 Ill. Adm. Code 203; or Best Available Control Technology, under a permit issued under Section 9.1(d) of the Act~~pursuant to 40 CFR 52.21 (1987)~~ or under Section 9.4 of the Act.~~ The Board incorporates by reference 40 CFR 52.21 (1987). This incorporation includes no subsequent amendments or editions.~~

e) For the purposes of this Subpart, an emission source shall be considered regulated by a Subpart if it is subject to the limits of that Subpart or it would be subject to the limits of that Subpart if the emission sources, emitting VOM, had sufficient size, throughput or emissions, or if the emission source did not meet a specific exemption contained in that Subpart.

f) For the purposes of this Subpart, uncontrolled volatile organic material emissions are the emissions of volatile organic material that~~which~~ would result if no air pollution control equipment were used.

(Source: Amended at 44 Ill. Reg. 15032, effective September 4, 2020)

SUBPART QQ: MISCELLANEOUS FORMULATION

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

MANUFACTURING PROCESSES

Section 215.940 Applicability

a) The requirements of this Subpart ~~shall~~ apply to the following counties: Cook, DuPage, Kane, Lake, Macoupin, Madison, McHenry, Monroe, St. Clair and Will.

b) The requirements of this Subpart ~~shall~~ apply to a plant's miscellaneous formulation manufacturing process emission sources, which are not regulated by Subpart~~Subparts~~ B, E, F, N, P, Q, R, S, U, V, X, Y, or Z, if the plant is subject to this Subpart. A plant is subject to this Subpart if it contains process emission sources, not regulated by Subpart~~Subparts~~ B, E, F, N, P, Q, R, S, U, V, X, Y, or Z, which as a group would emit 100 tons or more per year of volatile organic material if no air pollution control equipment were used.

c) If a plant ceases to fulfill the criteria of subsection (b), the requirements of this Subpart ~~shall~~ continue to apply to a miscellaneous formulation manufacturing process emission source that~~which~~ was subject to and met the control requirements of Section 215.946.

d) No limits under this Subpart ~~shall~~ apply to:

1) Emission sources with emissions of volatile organic material to the atmosphere less than or equal to 2.5 tons per year if the total emissions from those~~such~~ sources not complying with Section 215.946 do~~does~~ not exceed 5.0 tons per year;~~,~~ and

2) Emission sources whose emissions of volatile organic material are subject to limits in 35 Ill. Adm. Code 230 or 35 Ill. Adm. Code 231; or the Lowest Achievable Emission Rate, under~~pursuant to~~ 35 Ill. Adm. 203; or Best Available Control Technology, under a permit issued under Section 9.1(d) of the Act~~pursuant to 40 CFR 52.21 (1987)~~ or under Section 9.4 of the Act.~~ The Board incorporates by reference 40 CFR 52.21 (1987). This incorporation includes no subsequent amendments or editions.~~

e) For the purposes of this Subpart, an emission source shall be considered regulated by a Subpart if it is subject to the limits of that Subpart or it would be subject to the limits of that Subpart if the emission sources, emitting VOM, had sufficient size, throughput or emissions, or if the emission source did not meet a specific

exemption contained in that Subpart.

f) For the purposes of this Subpart, uncontrolled volatile organic material emissions are the emissions of volatile organic material that~~which~~ would result if no air pollution control equipment were used.

(Source: Amended at 44 Ill. Reg. 15032, effective September 4, 2020)

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section 215.960 Applicability

a) The requirements of this Subpart ~~shall~~ apply to the following counties: Cook, DuPage, Kane, Lake, Macoupin, Madison, McHenry, Monroe, St. Clair and Will.

b) The requirements of this Subpart ~~shall~~ apply to a plant's miscellaneous organic chemical manufacturing process emission sources which are not regulated by Subpart~~Subparts~~ B, E, F, N, P, Q, R, S, U, V, X, Y, or Z if the plant is subject to this Subpart. A plant is subject to this Subpart if it contains process emission sources, not regulated by Subpart~~Subparts~~ B, E, F, N, P, Q, R, S, U, V, X, Y, or Z, which as a group would emit 100 tons or more per year of volatile organic material if no air pollution control equipment were used.

c) If a plant ceases to fulfill the criteria of subsection (b), the requirements of this Subpart shall continue to apply to a miscellaneous organic chemical manufacturing process emission source which was subject to and met the control requirements of Section 215.966.

d) No limits under this Subpart ~~shall~~ apply to:

1) Emission sources with emissions of volatile organic material to the atmosphere less than or equal to 1.0 ton per year if the total emissions from those~~such~~ sources not complying with Section 215.966 do~~does~~ not exceed 5.0 tons per year;~~,~~ and

2) Emission sources whose emissions of volatile organic material are subject to limits in 35 Ill. Adm. Code 230 or 35 Ill. Adm. Code 231; or the Lowest Achievable Emission Rate, under~~pursuant to~~ 35 Ill. Adm. Code 203; or

Best Available Control Technology, under a permit issued under Section 9.1(d) of the Act~~pursuant to 40 CFR 52.21 (1987)~~ or under Section 9.4 of the Act.~~ The Board incorporates by reference 40 CFR 52.21 (1987). This incorporation includes no subsequent amendments or editions.~~

e) For the purposes of this Subpart, an emission source shall be considered regulated by a Subpart if it is subject to the limits of that Subpart or it would be subject to the limits of that Subpart if the emission sources, emitting VOM, had sufficient size, throughput or emissions, or if the emission source did not meet a specific exemption contained in that Subpart.

f) For the purposes of this Subpart, uncontrolled volatile organic material emissions are the emissions of volatile organic material that~~which~~ would result if no air pollution control equipment were used.

(Source: Amended at 44 Ill. Reg. 15032, effective September 4, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: RCRA and UIC Permit Programs

2) Code Citation: 35 Ill. Adm. Code 702

3) Section Number: 702.152 Adopted Action: Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27

5) Effective Date of Rule: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rulemaking, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9360; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 702 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

The following briefly summarizes the federal actions included the consolidated R20-8/R20-16:

On February 22, 2019 (83 Fed. Reg. 5816), USEPA established alternative rules for managing hazardous waste pharmaceuticals. The rules establish sector-specific standards that apply to hospitals, healthcare facilities, and reverse distributors managing hazardous waste pharmaceuticals in lieu of the general hazardous waste management standards. USEPA also changed the P075 hazardous waste listing to exclude therapeutic nicotine products and prohibited sewer disposal of hazardous waste pharmaceuticals.

On December 9, 2019 (83 Fed. Reg. 67202), USEPA added aerosol cans to the Universal Waste Rule. This eases the regulatory burden of managing waste aerosol cans under the hazardous waste rules. The rule promotes collection and recycling of waste aerosol cans, encourages developing programs for collecting and recycling them, and diverts them from disposal in MSWLFs and combustors.

Additionally, consolidated R20-8/R20-16 further includes limited non-substantive corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board received requests from JCAR and the Illinois Environmental Protection Agency for corrections to amendments adopted in prior rulemaking. The Board includes stylistic revisions to provisions opened for amendments—many of anticipate changes ordinarily requested by JCAR.

Specifically, the amendment to Part 702 makes necessary corrections not directly derived from the present USEPA amendments, including a correction requested by JCAR.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding this adopted rule shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312-814-3620. You may also 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 Amendment 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 702
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
702.101 Purpose, Scope, and Applicability
702.102 Electronic Reporting
702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board
702.104 References
702.105 Rulemaking
702.106 Adoption of Agency Criteria
702.107 Permit Appeals and Review of Agency Determinations
702.108 Variances and Adjusted Standards
702.109 Enforcement Actions
702.110 Definitions

SUBPART B: PERMIT APPLICATIONS

Section
702.120 Permit Application
702.121 Who Applies
702.122 Completeness
702.123 Information Requirements
702.124 Recordkeeping
702.125 Continuation of Expiring Permits
702.126 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
702.140 Conditions Applicable to all Permits
702.141 Duty to Comply
702.142 Duty to Reapply

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

SUBPART D: ISSUED PERMITS

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

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

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

effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. 17647, effective October 14, 2011; amended in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20953, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15047, effective September 3, 2020.

SUBPART C: PERMIT CONDITIONS

Section 702.152 Reporting Requirements

a) Planned Changes. The permittee must give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

b) Anticipated Noncompliance~~noncompliance~~. The permittee must give advance notice to the Agency of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.

c) Transfers. This permit is not transferable to any person, except after notice to the Agency. The Agency may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See Sections 702.182 and 702.183, in some cases modification is mandatory.)

d) Monitoring Reports. Monitoring results must be reported at the intervals specified in the permit.

e) Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit must be submitted no later than specified in Section 702.162.

f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or

704.181(d).

g) Other Noncompliance. The permittee must report all instances of noncompliance not reported under~~pursuant to~~ subsections (d), (e), and (f) at the time monitoring reports are submitted. The reports must contain the information referenced in subsection (f).

h) Other Information. If~~Where~~ the permittee becomes aware that it failed to submit any relevant facts in a permit application~~,~~ or that it submitted incorrect information in a permit application or in any report to the Agency, the permittee~~it~~ must promptly submit such facts or information.

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

(Source: Amended at 44 Ill. Reg. 15047, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: RCRA Permit Program

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

3)

Section Numbers:	Adopted Actions:
703.123	Amendment
703.220	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9368; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have

substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 703 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 720 through 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 703 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in the rule, including corrections to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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
703.102 Electronic Reporting
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 and Exemptions from Permit Program
703.124 Discharges of Hazardous Waste
703.125 Reapplying for a Permit
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
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
703.189 Additional Information Required to Assure Compliance with MACT Standards
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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: SPECIAL FORMS OF 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
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
703.238 RCRA Standardized Permits for Storage and Treatment Units

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 or Reissuance
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 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, 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

SUBPART J: RCRA STANDARDIZED PERMITS FOR STORAGE AND TREATMENT UNITS

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

703.APPENDIX A Classification of Permit Modifications

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

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

December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11271, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20993, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 5777, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15055, effective September 3, 2020.

SUBPART B: PROHIBITIONS

Section 703.123 Specific Exclusions and Exemptions from Permit Program

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

a) A generator that accumulates hazardous waste on site in compliance with all of the conditions for exemption provided in 35 Ill. Adm. Code 722.114 through

722.117;

b) A farmer that disposes of hazardous waste pesticides from the farmer's own use, as provided in 35 Ill. Adm. Code 722.170;

c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under~~pursuant to~~ this Part by 35 Ill. Adm. Code 721.104 or 722.114 (VSQG exemption);

d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;

f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and

h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(5). Such a handler or transporter is subject to regulation under~~pursuant to~~ 35 Ill. Adm. Code 733.

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

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

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

4) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.6.

i) This subsection (i) corresponds with 40 CFR 270.1(c)(2)(ix), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

j) Reverse Distributors Accumulating Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals, as defined in Section 726.600. Reverse distributors are subject to regulation under Subpart P of 35 Ill. Adm. Code 726 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2)~~ (2017)~~.

(Source: Amended at 44 Ill. Reg. 15055, effective September 3, 2020)

SUBPART E: SPECIAL FORMS OF PERMITS

Section 703.220 Emergency Permits

a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment, the Agency may issue a temporary emergency permit, as follows:

1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste; or

2) To a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

b) This emergency permit must comply with all of the following requirements:

1) The emergency permit may~~May~~ be oral or written. If oral, it must be followed in five days by a written emergency permit.

2) The emergency permit must~~Shall~~ not exceed 90 days in duration.

3) The emergency permit must~~Shall~~ clearly specify the hazardous wastes to

be received and the manner and location of their treatment, storage, or disposal.

4) The emergency permit may~~May~~ be terminated by the Agency at any time without process if it determines that termination is appropriate to adequately protect human health and the environment.

5) The emergency permit must~~Shall~~ be accompanied by a public notice published pursuant to 35 Ill. Adm. Code 705.162 including the following:

A) The name~~Name~~ and address of the office granting the emergency authorization;

B) The name~~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) The duration~~Duration~~ of the emergency permit.

6) The emergency permit must~~Shall~~ incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.

7) An emergency permit~~Emergency permits~~ that would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance under~~pursuant to~~ Title IX of the ~~Environmental Protection~~ Act ~~[415 ILCS 5/Title IX]~~.

BOARD NOTE: Derived from 40 CFR 270.61 ~~(2005)~~.

(Source: Amended at 44 Ill. Reg. 15055, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

3)

Section Numbers:	Adopted Actions:
720.109	Amendment
720.110	Amendment
720.111	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? Yes

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9379; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 720 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 721 through 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board’s opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 720 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including corrections to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope, and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender
720.104 Manifest Copy Submission Requirements for Certain Interstate Waste Shipments
720.105 Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments
720.109 Electronic Reporting ~~(Renumbered)~~

SUBPART B: DEFINITIONS AND REFERENCES

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.123 Petitions for Regulation as Universal Waste
720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.134 Non-Waste Determinations
720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a

Case-by-Case Basis
720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142 Notification Requirement for Hazardous Secondary Materials
720.143 Legitimate Recycling of Hazardous Secondary Materials

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

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

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

R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21215, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 446, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5817, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15067, effective September 3, 2020.

SUBPART A: GENERAL PROVISIONS

Section 720.109 Electronic Reporting ~~(Renumbered)~~

a) Scope and Applicability

1) The USEPA, the Board, or the Agency may allow for the submission of any document as an electronic document in lieu of a paper document. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency under~~pursuant to~~ any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.

2) Electronic document submission under this Section can occur only as follows:

A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or

B) For submissions of documents to the State, submissions may occur only under the following circumstances:

i) To the Board, into the Clerk's Office On-Line (COOL) system at www.ipcb.state.il.us.

ii) To the Agency, into any electronic document receiving system for which USEPA has granted approval under~~pursuant to~~ 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.

3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1):

A) Any document submitted via facsimile;

B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or

C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of

administrative arrangements between the parties to the transfer to share data.

4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 ~~(2017)~~.

b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

c) Procedures for Submission of Electronic Documents in Lieu of Paper Documents to USEPA. Except as provided in subsection (a)(3), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 720.111(b); and

2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A).

BOARD NOTE: Subsection (c) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 ~~(2017)~~.

d) Procedures for Submission of Electronic Documents in Lieu of Paper Documents to the Board or the Agency

1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].

2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B).

BOARD NOTE: Subsection (d) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3~~ (2018)~~.

e) Effects of Submission of an Electronic Document in Lieu of Paper Documents

1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.

2) If~~Where~~ a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) is derived from 40 CFR 3.4 and 3.2000(c) ~~(2018)~~.

f) Public Document Subject to State Laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:

1) The Administrative Procedure Act;

2) The Freedom of Information Act [5 ILCS 140];

3) The State Records Act [5 ILCS 160];

4) The Electronic Commerce Security Act [5 ILCS 175];

5) The Environmental Protection Act;

6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and

7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).

g) Nothing in this Section or in any provisions adopted under~~pursuant to~~ subsection (d)(1) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) is derived from 40 CFR 3.2(c) (2018).

BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and 271.12(h) ~~(2018)~~.

(Source: Amended at 44 Ill. Reg. 15067, effective September 3, 2020)

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) can be visually inspected.

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and that~~which~~ is not a closed portion. (See also "closed portion".)

"Acute hazardous waste" means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).
BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, and all USEPA hazardous waste numbers having the prefix "P".

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Agency" means the Illinois Environmental Protection Agency.
"Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.

"Airbag waste collection facility" means any facility that receives airbag waste from airbag handlers subject to regulation under 35 Ill. Adm. Code 721.104(j) and that~~which~~ accumulates the waste for more than ten days.

"Airbag waste handler" means any person, by site, that generates airbag waste that~~which~~ is subject to regulation under 35 Ill. Adm. Code 721.104(j).

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device that consists of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

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

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of

integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

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

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

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

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

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

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

"Central accumulation area" means any on-site area where hazardous waste is accumulating in units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm. Code 722.117 (for an LQG). A central accumulation area at an eligible academic entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or hazardous waste.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion" means that portion of a facility that an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Contained" means held in a unit (including a land-based unit, as defined in this Section) that meets either of the following containment situations:

Containment situation 1 (non-hazardous waste containment):

The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment. "Unpermitted releases" are releases that are not covered by a permit (such as a permit to discharge to water or air) and may

include, but are not limited to, releases through surface transport by precipitation run-off, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

The unit is properly labeled or otherwise has a system (such as a log) to immediately identify the hazardous secondary materials in the unit; and

The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit, is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.

Containment situation 2 (hazardous waste containment):

Hazardous secondary materials in units that meet the applicable requirements of 35 Ill. Adm. Code 724 or 725 are presumptively contained.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under~~pursuant to~~ the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

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

engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

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

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

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

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

Receiving broken or intact CRTs;

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

Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

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

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

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

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

The facility is regulated under~~pursuant to~~ 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 726~~266~~; or

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

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

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

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

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

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

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

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

groundwaters.

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

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Electronic import-export reporting compliance date" means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related documents to USEPA using USEPA's Waste Import Export Tracking System, or its successor system.
BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no "electronic import-export reporting compliance date" will apply in the context of the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

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

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

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

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

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

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

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

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

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

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

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

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

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

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

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

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

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

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

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

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

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

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

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

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

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially

explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

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

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

"Facility" means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For implementing corrective action under~~pursuant to~~ 35 Ill. Adm. Code

724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under~~pursuant to~~ RCRA section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

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

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under~~pursuant to~~ 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.116.

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

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

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

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous secondary material" means a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste under~~pursuant to~~ 35 Ill. Adm. Code 721.

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

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

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

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

"Incinerator" means any enclosed device of which the following is true:

The facility uses controlled flame combustion, and both of the following are true of the facility:

The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

The facility is not listed as an industrial furnace; or

The facility meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace based on one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and that~~which~~ is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility that is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Intermediate facility" means any facility that stores hazardous secondary materials for more than ten days and that~~which~~ is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

"Land-based unit" means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and that~~which~~ is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Large quantity generator" or "LQG" means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous waste;

Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"LDS" means leak detection system.

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

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

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

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

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

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

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

"Military munitions" means all ammunition products and components produced

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

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for reclamation of a surface mine.

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

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

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

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

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also "existing tank system".)

"No free liquids", as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18), means that solvent-contaminated wipes may not contain free liquids, as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method that the Agency has determined by permit condition is equivalent to Method 9095B.

"Non-acute hazardous waste" means hazardous waste that is not acute hazardous waste, as defined in this Section.

"On-ground tank" means a device meeting the definition of tank that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

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

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

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

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

Control of emission of the gaseous combustion products.

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

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

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

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

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

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

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

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

Section 720.111(c);

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

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

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

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and that~~which~~ is not listed as an industrial furnace.

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

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

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

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

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

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

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

"Remanufacturing" means processing a higher-value hazardous secondary material in order to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be

remanufactured into a similar commercial-grade material.

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

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under~~pursuant to~~ 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is in a facility that is subject to corrective action under~~pursuant to~~ 35 Ill. Adm. Code 724.201.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and that~~which~~ is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC code" means "Standard Industrial Classification code", as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth

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

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

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

"Small quantity generator" or "SQG" means a generator that generates the following amounts of material in a calendar month:

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

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

"Solvent-contaminated wipe" means the following:

A wipe that, after use or after cleaning up a spill, fulfills one or more of the following conditions:

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

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

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

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

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

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

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

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

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

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

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

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

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

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

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

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

"Transfer facility" means any transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of

hazardous waste or hazardous secondary materials are held during the normal course of transportation.

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

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

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

"Treatability study" means the following:

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

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

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

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

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

"Treatment" means any method, technique, or process, including neutralization,

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

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

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

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

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

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

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

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

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

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

Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

"Universal waste handler" means either of the following:

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

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

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

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under 35 Ill. Adm. Code 733.113(e) or 733.133(e)) universal waste; or

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

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

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" means the United States Environmental Protection Agency.

"USEPA hazardous waste number" or "EPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"USEPA identification number" or "USEPA ID number" is the unique alphanumeric identifier that USEPA assigns a hazardous waste generator; transporter; treatment, storage, or disposal facility; or reclamation facility upon notification in compliance with the requirements of section 3010 of RCRA (42 USC 6930).

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity that fulfills both of the following conditions:~~—~~

The person or entity~~that~~ is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either of the following:~~—~~

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

The person or entity~~which~~ elects to use either of the following:~~—~~

the e-Manifest System to obtain, complete and transmit an e-Manifest format supplied by the USEPA e-Manifest System; or

the paper manifest form and submits to the e-Manifest System for data processing purposes a paper copy of the manifest (or data

from such a paper copy), in accordance with 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

"USPS" means the United States Postal Service.

"Very small quantity generator" or "VSQG" means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;
1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

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

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

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

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

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

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

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

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

"Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

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

(Source: Amended at 44 Ill. Reg. 15067, effective September 3, 2020)

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 401 North Michigan Avenue, Suite 2000, Chicago, IL 60611, 312-755-5000, www.acgme.org:

"Accreditation Council for Graduate Medical Education: Glossary of Terms", March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:

www.acgme.org/Portals/0/PDFs/~~acWebsite/about/~~ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, 38800 Country Club Dr., Farmington Hills, MI 48331-3439:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1899 L Street, N.W., 11th Floor, Washington, DC 20036, 202-293-8020. www.ansi.org:

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

API. Available from the American Petroleum Institute, 200 Massachusetts Avenue, N.W., Suite 1100, Washington, DC 20001-5571, 202-682-8000~~. www.api.org~~:

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

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

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

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

ASME. Available from the American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016-5990, 800-843-2763, https://www.asme.org:

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

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

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 610-832-9500, www.astm.org:

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

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

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

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

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

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes", approved 1969, referenced in

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Appendix A to 35 Ill. Adm. Code 721.

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

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

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

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

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

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

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

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

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

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

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

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

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

GPO. Available from the Superintendent of Documents, U.S. Government Publishing Office, 732 ~~N.~~ Capitol Street, N.W., Washington, DC 20401-0001, 202-512-1800, www.gpo.gov:

Standard Industrial Classification Manual (1987), referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

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

ISO. Available from the International Organization for Standardization, BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland (phone: +41 22 749 01 11; www.iso.org/store):

International Standard ISO 3166-1:2013, "Codes for the representation of names of countries and their subdivisions − Part 1: Country code", Third edition (2013), referenced in 35 Ill. Adm. Code 722.183 and 722.184~~702.183 and Section 722.182~~. Latest Board search for updated version: July 2020.

BOARD NOTE: ISO maintains a web page with a free on-line list of country codes accessible at www.iso.org/obp/ui/#search.

NACE. Available from the National Association of Corrosion Engineers, 15835 Park Ten Place, Houston, TX 77084, 281-228-6200, www.nace.org:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, 617-770-3000 or 800-344-3555, www.nfpa.org:

"Flammable and Combustible Liquids Code", NFPA 30 (1977), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code", NFPA 30 (1981), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code", NFPA 30 (1984), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 726.211, and 727.290.

"Flammable and Combustible Liquids Code", NFPA 30 (1987), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

"Flammable and Combustible Liquids Code", NFPA 30 (2003), as supplemented by TIA 03-1 (2004), and corrected by Errata 30-03-01 (2004), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

"Standard System for the Identification of the Hazards of Materials for Emergency Response", NFPA 704 (2012 or 2017), referenced in 35 Ill. Adm. Code 722.114 and 722.116.

NTIS. Available from the National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312, 703-605-6000 or 800-553-6847, www.ntis.gov:

"APTI Course 415: Control of Gaseous Emissions", December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute"", www.apti-learn.net.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry", Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at www.epagov/cwa-methods. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search "821R10001").

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

725.192.

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search "600479020").

"North American Industry Classification System", July 2017, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142, and in 35 Ill. Adm. Code 721.104.

BOARD NOTE: Also available on the Internet from the Bureau of Census at www.census.gov/eos/www/naics.

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

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

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search "454R92019").

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, ~~and~~ 728.106, and 728.107 (in addition to the references cited below for specific

methods), www.epa.gov/hw-sw846:

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

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and ~~for~~ Appendix I to 35 Ill. Adm. Code 726.

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

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

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

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

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

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

Method 0051 (December 1996) (Midget Impinger HCl/Cl_2 Emission Sampling Train), USEPA-approved for Appendix I to 35

Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OECD. Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France, ~~+33 1 45 24 82 00~~ (www.oecd.org), also OECD Washington Center, 1776 I Street, NW~~N.W.~~, Suite 450, Washington, DC 20006, 202-452-0050~~202-785-6323~~ (www.oecd.org/washington~~)~~):

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

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention"). Latest Board search for updated version: August 2020.

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm.

Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II ("Categories of Wastes Requiring Special Consideration") and VIII ("List A") to the Basel Convention. Latest Board search for updated version: August 2020.

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

OECD Guideline for Testing of Chemicals, "Ready Biodegradability", Method 301B (July 17, 1992), "CO_2 Evolution (Modified Sturm Test)", referenced in 35 Ill. Adm. Code 724.414. Latest Board search for updated version: August 2020.

STI. Available from the Steel Tank Institute, 944 Donata Ct., Lake Zurich, IL 60047, 847-438-8265, www.steeltank.com:

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

USDOD. Available from the United States Department of Defense:

"Defense~~DOD Ammunition and~~ Explosives Safety Regulation 6055.09, Edition 1~~Standards~~" (DESR~~DOD~~ 6055.09), as in effect on January 13, 2019~~February 29, 2008 and revised December 15, 2017, December 18, 2017, December 29, 2017, and January 24, 2018~~, referenced in 35 Ill. Adm. Code 726.305. Latest Board search for updated version: August 2020.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in October 2011, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

"The Signature and Tally Record" (DD Form 1907), as in effect in October 2011, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

"DOD Multimodal Dangerous Goods Declaration" (DD Form 2890), as in effect in September 2015, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

BOARD NOTE: DESR~~DOD~~ 6055.09, DD Form 626, DD Form 1348, DD Form 1907, and DD Form 2890 are available on-line for download in pdf format from www.esd.whs.mil/DD/.

USEPA, e-Manifest System. Available from United States Environmental Protection Agency, e-Manifest System (www.epa.gov/e-manifest):

"Hazardous Waste Manifest Instructions". Instructions for revision 12-17 of USEPA Forms 8700-22 and 8700-22A, referenced in 35 Ill. Adm. Code

722.120~~722.121~~. Available at www.epa.gov/hwgenerators/uniform-hazardous-waste-manifest-instructions-sample-form-and-continuation-sheet. Latest Board search for updated version: August 2020.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Ground Water and Drinking Water, State Programs Division, 1200 Pennsylvania Ave., N.W. (Mail Code 4606M), Washington, DC 20460:

"Inventory of Injection Wells", USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet at www3.epa.gov/scram001/guidance/guide/EPA-454R-92-019_OCR.pdf.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

"EPA RCRA Delisting Program – Guidance Manual for the Petitioner", March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003,

supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303. Latest Board search for updated version: August 2020.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20401, 202-783-3238, www.ecfr.gov or https://www.govinfo.gov/app/collection/cfr:

10 CFR 20.2006 (2019)~~(2018)~~ (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 (2019)~~(2018)~~ (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (2019)~~(2018)~~ (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 (2019)~~(2018)~~ (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (2019)~~(2018)~~ (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

15 CFR 30.4(b) (2019)~~(2018)~~ (Electronic Export Information Filing, Procedures, Deadlines, and Certification Statements), referenced in 35 Ill. Adm. Code 721.139.

15 CFR 30.6 (2019)~~(2018)~~ (Electronic Export Information Data Elements), referenced in 35 Ill. Adm. Code 721.139.

21 CFR 203.3(y) (2019) ("Prescription Drug"), referenced in 35 Ill. Adm. Code 726.600.

21 CFR 1300 through 1317 (2019) (Drug Enforcement Administration, Department of Justice), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.01 (2019) (Definitions Relating to Controlled Substances), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.05 (2019) (Definitions Relating to the Disposal of Controlled Substances), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1308.11 through 1308.15 (2019) (Schedules), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.90 (2019) (Methods of Destruction), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.95 (2019) (Destruction Procedures), referenced in 35 Ill. Adm. Code 726.606.

29 CFR 1910.1200 (2019)~~(2018)~~ (Hazard Communication), referenced in 35 Ill. Adm. Code 722.115.

33 CFR 153.203 (2019)~~(2018)~~ (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (2019)~~(2018)~~ (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (2019)~~(2018)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 (2019)~~(2018)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2019)~~(2018)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2019)~~(2018)~~ (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models", Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 (2019)~~(2018)~~ (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 (2019)~~(2018)~~ (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950, 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 (2019)~~(2018)~~ (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Appendix A to 40 CFR 60 (2019)~~(2018)~~ (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 CFR 61 (2019)~~(2018)~~ (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933,

721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (2019)~~(2018)~~ (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Subpart FF of 40 CFR 61 (2019)~~(2018)~~ (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2019)~~(2018)~~ (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.

Subpart RR of 40 CFR 63 (2019)~~(2018)~~ (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984, 724.984, 724.985, 725.985, and 725.986.

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

Subpart EEE of 40 CFR 63 (2019)~~(2018)~~ (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code

703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2019)~~(2018)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Appendix C to 40 CFR 63 (2019)~~(2018)~~ (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (2019)~~(2018)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2019)~~(2018)~~, referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2019)~~(2018)~~ (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2019)~~(2018)~~ (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 (2019)~~(2018)~~ (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 722.114.

40 CFR 258 (2019)~~(2018)~~ (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (2019)~~(2018)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (2019)~~(2018)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

Appendix to 40 CFR 262 (2019)~~(2018)~~ (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

40 CFR 264.1311 (2019)~~(2018)~~ (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1312 (2019)~~(2018)~~ (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1313 (2019)~~(2018)~~ (User Fee Revisions), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1314 (2019)~~(2018)~~ (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1315 (2019)~~(2018)~~ (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1316 (2019)~~(2018)~~ (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 724.171.

Subpart FF of 40 CFR 264 (2019)~~(2018)~~ (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 264 (2019)~~(2018)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2019)~~(2018)~~ (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 (2019)~~(2018)~~ (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (2019)~~(2018)~~ (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

40 CFR 265.1311 (2019)~~(2018)~~ (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1312 (2019)~~(2018)~~ (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1313 (2019)~~(2018)~~ (User Fee Revisions), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1314 (2019)~~(2018)~~ (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1315 (2019)~~(2018)~~ (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1316 (2019)~~(2018)~~ (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 725.171.

Subpart FF of 40 CFR 265 (2019)~~(2018)~~ (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 265 (2019)~~(2018)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

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Appendix III to 40 CFR 265 (2019)~~(2018)~~ (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (2019)~~(2018)~~ (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2019)~~(2018)~~ (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 (2019)~~(2018)~~ (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces", December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (2019)~~(2018)~~ (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 (2019)~~(2018)~~ (Designation, Reportable Quantities, and

Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 403.5 (2019) (National Pretreatment Standards: Prohibited Discharges), referenced in 35 Ill. Adm. Code 721.104 and 726.605.

40 CFR 711.15(a)(4)(i)(C) (2019)~~(2018)~~ (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 761 (2019)~~(2018)~~ (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2019)~~(2018)~~ (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2019)~~(2018)~~ (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2019)~~(2018)~~ (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2019)~~(2018)~~ (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2019)~~(2018)~~ (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2019)~~(2018)~~ (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2019)~~(2018)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (2019)~~(2018)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (2019)~~(2018)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2019)~~(2018)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2019)~~(2018)~~ (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 726.609, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

Table to 49 CFR 172.101 (2019)~~(2018)~~ (Hazardous Materials Table), referenced in 35 Ill. Adm. Code 721.104, 722.183, 722.184, 724.112, and 725.112.

49 CFR 172.304 (2019)~~(2018)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132 and 766.608.

Subpart C of 49 CFR 172 (2019)~~(2018)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124 and 726.610.

Subpart D of 49 CFR 172 (2019) (Marking), referenced in 35 Ill. Adm. Code 726.608.

Subpart E of 49 CFR 172 (2019)~~(2018)~~ (Labeling), referenced in 35 Ill. Adm. Code 722.114, ~~and~~ 722.115, and 726.608.

Subpart F of 49 CFR 172 (2019)~~(2018)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.114, 722.115, ~~and~~ 722.133, and 726.608.

49 CFR 173 (2019)~~(2018)~~ (Shippers – General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2019)~~(2018)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2019)~~(2018)~~ (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.

49 CFR 173.28 (2019)~~(2018)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 (2019)~~(2018)~~ (Class 1 − Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 (2019)~~(2018)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 (2019)~~(2018)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 − Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 (2019)~~(2018)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 – Definition and Assignment of Packaging Groups), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2019)~~(2018)~~ (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2019)~~(2018)~~ (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2019)~~(2018)~~ (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2019)~~(2018)~~ (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 (2019)~~(2018)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 (2019)~~(2018)~~ (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 (2019)~~(2018)~~ (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (2019)~~(2018)~~ (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 (2019)~~(2018)~~ (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 (2019)~~(2018)~~ (Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 192 (2019)~~(2018)~~ (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 (2019)~~(2018)~~ (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 (2019)~~(2018)~~ (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 (2019)~~(2018)~~ (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 196 (2019)~~(2018)~~ (Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 (2019)~~(2018)~~ (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 (2019)~~(2018)~~ (Drug and Alcohol Testing), referenced generally in 35 Ill. Adm. Code 721.104.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014 (2018)~~(2017)~~), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 301, 304, 307, and 402 of the Clean Water Act (33 USC 1311, 1314, 1337, and 1342 (2018)~~(2017)~~), referenced in 35 Ill. Adm. Code 721.293.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j) (2018)~~(2017)~~), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(ff) (2018)), referenced in Section 726.600.

Section 102(27) of the Controlled Substances Act (21 USC 802(27) (2018) ("Ultimate User")), referenced in 35 Ill. Adm. Code 726.606.

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903 (2018)~~(2017)~~), referenced in 35 Ill. Adm. Code 721.931, 721.951, 721.981, 724.931, 724.981, 725.931, 725.951, and 725.981.

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140 (2018)~~(2017)~~), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1) (2018)~~(2015)~~), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 44 Ill. Reg. 15067, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

3)

Section Numbers:	Adopted Actions:
721.104	Amendment
721.107	Amendment
721.109	Amendment
721.122	Amendment
721.133	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9450; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between the Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 721 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720, 722 through 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 721 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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721.102 Definition of Solid Waste
721.103 Definition of Hazardous Waste
721.104 Exclusions
721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators (Repealed)
721.106 Requirements for Recyclable Materials
721.107 Residues of Hazardous Waste in Empty Containers
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

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

amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11367, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21673, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 496, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5884, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15142, effective September 3, 2020.

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

a) Materials That Are Not Solid Wastes. The following materials are not solid wastes for the purpose of this Part:

1) Sewage.

A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and

B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment, except as prohibited by 35 Ill. Adm. Code 726.605 and 40 CFR 403.5(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency under~~pursuant to~~ Section 12(f) of the ~~Environmental Protection~~ Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

3) Irrigation return flows.

4) Source, by-product, or special nuclear material, as defined by section 11 of the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.

6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively, as defined in Section 721.101(c).

7) Spent sulfuric acid used to produce virgin sulfuric acid, provided it is not accumulated speculatively, as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process

or processes in which they were generated, if~~where~~ they are reused in the production process, provided that the following is true:

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

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

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

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

9) Wood preserving wastes.

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

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

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

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

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

iii) Any unit used to manage wastewaters or spent wood

preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

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

v) Prior to operating under~~pursuant to~~ this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board under~~pursuant to~~ Section 40 of the Act.

10) USEPA hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation

these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of USEPA hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

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

A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), if the~~where such~~ materials as generated would have otherwise met a listing under Subpart D, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

B) Recovered oil that is recycled in the same manner and with the

same conditions as described in subsection (a)(12)(A). Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

16) This subsection (a)(16) corresponds with 40 CFR 261.4(a)(16), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.

17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that the following is true:

A) The spent material is legitimately recycled to recover minerals,

acids, cyanide, water, or other values;

B) The spent material is not accumulated speculatively;

C) Except as provided in subsection (a)(17)(D), the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

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

i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent

material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have run-on and run-off controls; they must be operated in a manner that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See Subpart D of 35 Ill. Adm. Code 703 for the RCRA Subtitle C permit public notice requirements.

E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For purposes of subsection (b)(7), mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion

from the definition of solid waste.

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, if~~where~~ the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste number D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

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

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

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

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

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

ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F).

iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).

iv) It must maintain records at the generator's or intermediate handler's facility, for no less than three years, of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G).

C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:

i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A) The fertilizers meet the following contaminant limits:

i) For metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

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

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

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

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

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

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

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

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

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

22) Used CRTs

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

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

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

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

23) Hazardous Secondary Materials Reclaimed under the Control of the Generator. Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, provided that the material complies with subsections (a)(23)(A) and (a)(23)(B):

A) Excluded Hazardous Secondary Materials

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

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

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

or

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer

facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

For purposes of this subsection (a)(23)(A)(ii), "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" such facilities. The generating and receiving facilities must both maintain at their facilities, for no less than three years, records of hazardous secondary materials sent or received under this exclusion. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations); or

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

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

of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process."

The tolling contractor must maintain at its facility, for no less than three years, records of hazardous secondary materials received under~~pursuant to~~ its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility, for no less than three years, records of hazardous secondary materials shipped under~~pursuant to~~ its written contract with the tolling contractor. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under~~pursuant to~~ the written contract. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations). For purposes of this subsection (a)(23)(A)(ii), "tolling contractor" means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. "Toll manufacturer" means a person who produces a product or intermediate made from specified unused materials under~~pursuant to~~ a written contract with a tolling contractor.

B) Management of Hazardous Secondary Materials

i) The hazardous secondary material is contained, as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded material and a solid waste unless it is immediately recovered for the purpose of reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded material and a solid waste;

ii) The hazardous secondary material is not speculatively accumulated, as defined in Section 721.101(c)(8);

iii) Notice is provided, as required by 35 Ill. Adm. Code 720.142;

iv) The hazardous secondary material is not otherwise subject to material-specific management conditions under subsection (a) when reclaimed, and it is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102);

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

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

24) Hazardous Secondary Materials Transferred for Off-Site Reclamation. Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation is not a solid waste if the management of the material fulfills the conditions of subsections (a)(24)(A) through (a)(24)(G):

A) The hazardous secondary material must not be speculatively accumulated, as defined in Section 721.101(c)(8).

B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer manages the material; the hazardous secondary material must not be stored for more than ten days at a transfer facility, as defined in Section 721.110; and the hazardous secondary material must be

packaged according to applicable USDOT regulations codified as 49 CFR 173, 178, and 179, incorporated by reference in 35 Ill. Adm. Code 720.111, while in transport.

C) The hazardous secondary material must not otherwise be subject to material-specific management conditions under~~pursuant to~~ other provisions of this subsection (a) when reclaimed, and the hazardous secondary material must not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180 and 733.102).

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

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

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

ii) Prior to arranging for transport of hazardous secondary materials to a reclamation facility where the hazardous secondary material is managed in a unit that is not subject to a RCRA permit or interim status standards, the hazardous secondary material generator must make reasonable efforts to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will pass through an intermediate facility where the hazardous secondary materials is managed at that facility in a unit that is not

subject to a RCRA permit or interim status standards, the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of every three years for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, or provided by a third party. The hazardous secondary material generator must affirmatively answer all of the questions in subsection (a)(24)(H) for each reclamation facility and any intermediate facility.

BOARD NOTE: The Board moved the required generator inquiries of 40 CFR 261.4(a)(24)(v)(B)(*1*) through (a)(24)(v)(B)(*5*) to subsection (a)(24)(H) to comply with codification requirements.

iii) The hazardous secondary material generator must maintain for a minimum of three years documentation and certification that reasonable efforts were made for each reclamation facility and, if applicable, intermediate facility where the facility manages the hazardous secondary materials in a unit that is not subject to a RCRA permit or interim status standards prior to transferring hazardous secondary material. Documentation and certification must be made available upon request by USEPA or the Agency within 72 hours, or within a longer period of time as specified by USEPA or the Agency. The certification statement must include the printed name and official title of

an authorized representative of the hazardous secondary material generator company, the authorized representative's signature, and the date signed. The certification statement must also incorporate the following language:

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

BOARD NOTE: The Board combined the documentation, certification, and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C)(*1*) through (a)(24)(v)(C)(*3*) into subsection (a)(24)(E)(iii) to comply with codification requirements.

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

BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C) and (a)(24)(v)(C)(1) through (a)(24)(v)(C)(3) to this single subsection (a)(24)(E)(iv). This combination allowed

compliance with codification requirements relating to the maximum permissible indent level.

v) The hazardous secondary material generator must maintain at the generating facility, for a minimum of three years, for every off-site shipment of hazardous secondary materials, confirmations of receipt from each reclaimer and intermediate facility to which its hazardous secondary materials were sent. Each confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The generator may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

vi) The hazardous secondary material generator must comply with the emergency preparedness and response conditions in Subpart M.

BOARD NOTE: The Board intends that "RCRA permit" in subsections (a)(24)(E)(ii) and (a)(24)(E)(iii) include a permit issued by USEPA or a sister state under~~pursuant to~~ section 3005 of RCRA (42 USC 6925).

F) The reclaimer of hazardous secondary material or any intermediate facility, as defined in 35 Ill. Adm. Code 720.110, that manages material that~~which~~ is excluded from regulation under~~pursuant to~~ this subsection (a)(24) must satisfy all of the following conditions:

i) The owner or operator of a reclamation or intermediate facility must maintain at its facility for a minimum of three years records of every shipment of hazardous secondary material that the facility received and, if applicable, for every shipment of hazardous secondary material that the facility received and subsequently sent off-site from the facility for further reclamation. For each shipment, these

records must, at a minimum, contain the following information: the name of the transporter and date of the shipment; the name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility from which the facility received the hazardous secondary materials; the type and quantity of hazardous secondary material in the shipment; and, for hazardous secondary materials that the facility subsequently transferred off-site for further reclamation after receiving it, the name and address of the (subsequent) reclaimer and any intermediate facility to which the facility sent the hazardous secondary material.

BOARD NOTE: The Board combined the provisions from 40 CFR 261.4(a)(24)(vi)(A) and (a)(24)(vi)(A)(1) through (a)(24)(vi)(A)(3) that enumerate the required information into this single subsection (a)(24)(F)(i). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

ii) The intermediate facility must send the hazardous secondary material to the reclaimers designated by the generator of the hazardous secondary materials.

iii) The reclaimer or intermediate facility that receives a shipment of hazardous secondary material must send a confirmation of receipt to the hazardous secondary material generator for each off-site shipment of hazardous secondary materials. A confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The reclaimer or intermediate facility may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

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

v) A reclaimer of hazardous secondary materials must manage any residuals that are generated from its reclamation processes in a manner that is protective of human health and the environment. If any residuals of the reclamation process exhibit a characteristic of hazardous waste, as defined in Subpart C, or if the residuals themselves are specifically listed as hazardous waste in Subpart D, those residuals are hazardous waste. The reclaimer and any subsequent persons must manage that hazardous waste in accordance with the applicable requirements of 35 Ill. Adm. Code: Subtitle G or similar regulations authorized by USEPA as equivalent to 40 CFR 260 through 272.

vi) The reclaimer and intermediate facility must have financial assurance that satisfies the requirements of Subpart H.

G) In addition, any person claiming the exclusion for recycled hazardous secondary material under~~pursuant to~~ this subsection (a)(24) must provide notification as required by 35 Ill. Adm. Code 720.142.

H) For the purposes of the reasonable inquiries required by subsection (a)(24)(E)(ii), the hazardous secondary material generator must affirmatively answer all of the following questions for each reclamation facility and any intermediate facility:

i) Does the available information indicate that the reclamation process is legitimate under~~pursuant to~~ 35 Ill. Adm. Code 720.143? In answering this question, the hazardous

secondary material generator can rely on its existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as information from other sources (e.g., the reclamation facility, audit reports, etc.) about the reclamation process.

ii) Does the publicly available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator notified the appropriate authorities of hazardous secondary materials reclamation activities under~~pursuant to~~ 35 Ill. Adm. Code 720.142, and have they notified the appropriate authorities that the financial assurance condition is satisfied per subsection (a)(24)(F)(vi)? In answering these questions, the hazardous secondary material generator can rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements per 35 Ill. Adm. Code 720.142, including the requirement in 35 Ill. Adm. Code 720.142(a)(5) to notify USEPA or the Agency whether the reclaimer or intermediate facility has financial assurance.

iii) Does publicly available information indicate that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has not been classified as a significant noncomplier with RCRA Subtitle C? In answering this question, the hazardous secondary material generator can rely on the publicly available information from USEPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has been classified as a significant non-complier with RCRA Subtitle C, does the hazardous secondary material

generator have credible evidence that the facility will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material generator can obtain additional information from USEPA, the state, or the facility itself that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials.

iv) Does the available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material? In answering this question, the generator may rely on a description by the reclamation facility or by an independent third party of the equipment and trained personnel to be used to recycle the generator's hazardous secondary material.

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

BOARD NOTE: The Board moved the required generator inquiries into a reclamation or intermediate facility of 40 CFR 261.4(a)(24)(v)(B) and (a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to this subsection (a)(24)(H) to comply with codification requirements.

25) Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, provided that the hazardous secondary material generator complies with the applicable requirements of subsections (a)(24)(A) through (a)(24)(E) and (a)(24)(H) (excepting subsection (a)(24)(H)(ii) for foreign reclaimers and foreign intermediate facilities), and that the hazardous secondary material generator also complies with the following requirements:

A) The generator must notify USEPA of an intended export before the hazardous secondary material is scheduled to leave the United States. The generator must submit a complete notification at least 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the hazardous secondary material generator, and include the following information:

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

ii) A description of the hazardous secondary material and the USEPA hazardous waste number that would apply if the hazardous secondary material were managed as hazardous waste and the USDOT proper shipping name, hazard class and identification number (UN or NA) for each hazardous secondary material as identified in the hazardous materials table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;

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

iv) The estimated total quantity of hazardous secondary material;

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

vi) A description of the means by which each shipment of the hazardous secondary material will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.), etc.);

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

viii) The name and address of the reclaimer, any intermediate facility, and any alternate reclaimer and intermediate facilities; and

ix) The name of any countries of transit through which the hazardous secondary material will be sent and a description of the approximate length of time it will remain in such countries and the nature of its handling while there (for purposes of this Section, the terms "USEPA Acknowledgement of Consent", "country of import", and "country of transit" are used as defined in 35 Ill. Adm. Code 722.181 with the exception that the terms in this Section refer to hazardous secondary materials, rather than hazardous waste).

B) The generator must submit notifications electronically using USEPA's Waste Import Export Tracking System (WIETS).

C) Except for changes to the telephone number required in subsection (a)(25)(A)(i) and decreases in the quantity of hazardous secondary material indicated under~~pursuant to~~ subsection (a)(25)(A)(iv), when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide USEPA with a written renotification of the change. The

shipment must not occur until consent of the country of import to the changes (except for changes to subsection (a)(25)(A)(ix) and in the ports of entry to and departure from countries of transit under~~pursuant to~~ subsection (a)(25)(A)(v)) has been obtained and the hazardous secondary material generator receives from USEPA a USEPA Acknowledgment of Consent reflecting the country of import's consent to the changes.

D) Upon request by USEPA, the hazardous secondary material generator must~~shall~~ furnish to USEPA any additional information that a country of import requests in order to respond to a notification.

E) USEPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines satisfies the requirements of subsection (a)(25)(A). When a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(25)(A), USEPA may find the notification not complete until any such claim is resolved in accordance with 35 Ill. Adm. Code 720.102.

F) The export of hazardous secondary material under this subsection (a)(25) is prohibited unless the country of import consents to the intended export. When the country of import consents in writing to the receipt of the hazardous secondary material, USEPA will send an USEPA Acknowledgment of Consent to the hazardous secondary material generator. When the country of import objects to receipt of the hazardous secondary material or withdraws a prior consent, USEPA will notify the hazardous secondary material generator in writing. USEPA will also notify the hazardous secondary material generator of any responses from countries of transit.

G) For exports to OECD member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any country of import or countries of transit to a notification provided under~~pursuant to~~ subsection (a)(25)(A) within 30 days after the date of issuance of the acknowledgement

of receipt of notification by the competent authority of the country of import, the transboundary movement may commence. In such cases, USEPA will send a USEPA Acknowledgment of Consent to inform the hazardous secondary material generator that the country of import and any relevant countries of transit have not objected to the shipment and are thus presumed to have consented tacitly. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents is required for exports after that date.

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

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

J) Hazardous secondary material generators must keep a copy of each notification of intent to export and each USEPA Acknowledgment of Consent for a period of three years following receipt of the USEPA Acknowledgment of Consent. They may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in their account on USEPA's WIETS, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No hazardous secondary material generator may be held liable for the inability to produce a notification or Acknowledgement for inspection under this Section if it can demonstrate that the inability to produce such copies is due exclusively to technical difficulty with USEPA's WIETS for which the hazardous secondary material generator bears no responsibility.

K) Hazardous secondary material generators must file with USEPA, no later than March 1 of each year, a report summarizing the types,

quantities, frequency and ultimate destination of all hazardous secondary materials exported during the previous calendar year. Annual reports must be submitted electronically using USEPA's WIETS. Such reports must include the following information:

i) Name, mailing and site address, and USEPA identification number (if applicable) of the hazardous secondary material generator;

ii) The calendar year covered by the report;

iii) The name and site address of each reclaimer and intermediate facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B) The hazardous secondary material originated from using one or more of the solvents listed in subsection (a)(27)(A) in a

commercial grade for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

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

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

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

E) After remanufacturing one or more of the solvents listed in subsection (a)(27)(i), the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material

from textiles, glassware, metal surfaces, or other articles. (These disallowed continuing uses correspond to chemical functional uses in Industrial Function Category Code U029 (solvents (for cleaning and degreasing)) in 40 CFR 711.15(b)(4)(i)(C), incorporated by reference in 35 Ill. Adm. Code 720.111.

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

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

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

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

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

iv) The generator and remanufacturer must, prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Subparts I and J, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;

v) The generator and remanufacturer must, during remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the

applicable Clean Air Act regulations of 40 CFR 60, 61 and 63, incorporated by reference in 35 Ill. Adm. Code 720.111; or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage); and

vi) The generator and remanufacturer must meet the requirements prohibiting speculative accumulation in Section 721.101(c)(8).

G) The following information items are required elements for a remanufacturing plan.

i) The name, address and USEPA ID number of the generators and the remanufacturers;

ii) The types and estimated annual volumes of spent solvents to be remanufactured;

iii) The processes and industry sectors that generate the spent solvents;

iv) The specific uses and industry sectors for the remanufactured solvents; and

v) A certification from the remanufacturer stating as follows: "On behalf of [insert remanufacturer facility name], I certify that this facility is a remanufacturer under pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510), and will accept the spent solvent(s) for the sole purpose of remanufacturing into commercial-grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) or for use as

product ingredient(s). I also certify that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR 60, 61 or 63, or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage)."

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

b) Solid Wastes That Are Not Hazardous Wastes. The following solid wastes are not hazardous wastes:

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

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

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

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

B) The facility does not accept hazardous waste and the owner or

operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in City of Chicago v. Environmental Defense Fund, Inc., 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C until December 7, 1994 to file a Part A permit application under~~pursuant to~~ 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

A) The growing and harvesting of agricultural crops; or

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Coal and Fossil Fuel Combustion Waste

A) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

B) The following wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with the wastes in subsection (b)(4)(A), except as

provided by 35 Ill. Adm. Code 726.112 for facilities that burn or process hazardous waste:

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

ii) Boiler Cleaning Solutions. For purposes of this subsection (b)(4), "boiler cleaning solutions" means water solutions and chemical solutions used to clean the fire-side and waterside of the boiler.

iii) Boiler Blowdown. For purposes of this subsection (b)(4), "boiler blowdown" means water purged from boilers used to generate steam.

iv) Process Water Treatment and Demineralizer Regeneration Wastes. For purposes of this subsection (b)(4), "process water treatment and demineralizer regeneration wastes" means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.

v) Cooling Tower Blowdown. For purposes of this subsection (b)(4), "cooling tower blowdown" means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.

vi) Air Heater and Precipitator Washes. For purposes of this subsection (b)(4), "air heater and precipitator washes" means wastes from cleaning air preheaters and electrostatic precipitators.

vii) Effluents from Floor and Yard Drains and Sumps. For purposes of this subsection (b)(4), "effluents from floor and yard drains and sumps" means wastewaters, such as wash water, collected by or from floor drains, equipment drains,

and sumps located inside the power plant building; and wastewaters, such as rain run-off, collected by yard drains and sumps located outside the power plant building.

viii) Wastewater Treatment Sludges. For purposes of this subsection (b)(4), "wastewater treatment sludges" refers to sludges generated from the treatment of wastewaters specified in subsections (b)(4)(B)(i) through (b)(4)(B)(vi).

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

6) Chromium Wastes

A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or that~~which~~ are listed in Subpart D due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or that~~which~~ are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if the waste generator shows the following:

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

iii) The waste is typically and frequently managed in non-oxidizing environments.

B) The following are specific wastes that meet the standard in subsection (b)(6)(A) (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic):

i) Chrome (blue) trimmings generated by the following

subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

viii) Wastewater treatment sludges from the production of

titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except if~~where~~ the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

i) Slag from primary copper processing;

ii) Slag from primary lead processing;

iii) Red and brown muds from bauxite refining;

iv) Phosphogypsum from phosphoric acid production;

v) Slag from elemental phosphorus production;

vi) Gasifier ash from coal gasification;

vii) Process wastewater from coal gasification;

viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;

ix) Slag tailings from primary copper processing;

x) Fluorogypsum from hydrofluoric acid production;

xi) Process wastewater from hydrofluoric acid production;

xii) Air pollution control dust or sludge from iron blast furnaces;

xiii) Iron blast furnace slag;

xiv) Treated residue from roasting and leaching of chrome ore;

xv) Process wastewater from primary magnesium processing by the anhydrous process;

xvi) Process wastewater from phosphoric acid production;

xvii) Basic oxygen furnace and open-hearth furnace air pollution control dust or sludge from carbon steel production;

xviii) Basic oxygen furnace and open-hearth furnace slag from carbon steel production;

xix) Chloride processing waste solids from titanium tetrachloride production; and

xx) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:

i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal

mineral processing raw materials; and

ii) The owner or operator legitimately reclaims the secondary mineral processing materials.

8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for USEPA hazardous waste numbers D004 through D017 and that~~which~~ is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (USEPA hazardous waste numbers D018 through D043 only) and that~~which~~ are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D, if these oil filters have been gravity hot-drained using one of the following methods:

A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

B) Hot-draining and crushing;

C) Dismantling and hot-draining; or

D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under the following circumstances:

A) The following conditions must be fulfilled:

i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that are generated after the effective date listed for the waste:

USEPA Hazardous Waste Numbers	Listing Effective Date
K169, K170, K171, and K172	February 8, 1999
K174 and K175	May 7, 2001
K176, K177, and K178	May 20, 2002
K181	August 23, 2005

ii) The solid wastes described in subsection (b)(15)(A)(i) were disposed of prior to the effective date of the listing (as set forth in that subsection);

iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to

regulation under section 307(b) or 402 of the federal Clean Water Act (33 USC 1317(b) or 1342).

B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, K178, or K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

16) This subsection (b)(16) corresponds with 40 CFR 261.4(b)(16), which USEPA has marked "reserved". This statement maintains structural parity with USEPA regulations.

17) This subsection (b)(17) corresponds with 40 CFR 261.4(b)(17), which pertains exclusively to waste generated by a specific facility outside Illinois. This statement maintains structural parity with USEPA regulations.

18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that all of the following conditions are fulfilled:

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

properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

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

C) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

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

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

i) The name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(b)(18)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and

F) The solvent-contaminated wipes are sent for disposal at one of the following facilities:

i) A municipal solid waste landfill regulated under RCRA Subtitle D regulations: 35 Ill. Adm. Code 810 through 815, including the landfill design criteria of 35 Ill. Adm. Code 811.303 through 811.309, 811.315 through 811.317, and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402; 40 CFR 258, including the landfill

design criteria of 40 CFR 258.40; or equivalent regulations of a sister state that USEPA has approved under~~pursuant to~~ 42 USC 6943 and 6947; or

ii) A hazardous waste landfill regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725; 40 CFR 264 or 265; or equivalent regulations of a sister state that USEPA has approved under~~pursuant to~~ 42 USC 6926; or

iii) A municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act (42 USC 7429) or equivalent Illinois or sister-state regulations approved by USEPA under~~pursuant to~~ 42 USC 7429; or

iv) A hazardous waste combustor, boiler, or industrial furnace regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725 or Subpart H of 35 Ill. Adm. Code 726; 40 CFR 264 or 265 or subpart H of 40 CFR 266; or equivalent regulations of a sister state that USEPA has approved under~~pursuant to~~ 42 USC 6926.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930) until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples

1) Except as provided in subsections (d)(2) and (d)(4), a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it fulfills one of the following

conditions:

A) The sample is being transported to a laboratory for the purpose of testing;

B) The sample is being transported back to the sample collector after testing;

C) The sample is being stored by the sample collector before transport to a laboratory for testing;

D) The sample is being stored in a laboratory before testing;

E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action if~~where~~ further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with USDOT, U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

ii) Package the sample so that it does not leak, spill, or

vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous, but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).

4) In order to qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B), the mass of a sample that will be exported to a foreign laboratory or that will be imported to a U.S. laboratory from a foreign source must additionally not exceed 25 kg.

e) Treatability Study Samples

1) Except as is provided in subsections (e)(2) and (e)(4), a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of RCRA (42 USC 6930). Nor are such samples included in the quantity determinations of 35 Ill. Adm. Code 722.114 and 722.116 when:

A) The sample is being collected and prepared for transportation by the generator or sample collector;

B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:

A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of

media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsection (e)(2)(C)(i) or (e)(2)(C)(ii) are met.

i) The transportation of each sample shipment complies with USDOT, USPS, or any other applicable shipping requirements; or

ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f), or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study; and

iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4), for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e)(3)(A) or (e)(3)(B), subject to the limitations of subsection (e)(3)(C):

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further

evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F). The generator or sample collector must apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

4) In order to qualify for the exemption in subsection (e)(1)(A), the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source must additionally not exceed 25 kg.

5) Final Agency determinations under~~pursuant to~~ this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;

B) The date the shipment was received;

C) The quantity of waste accepted;

D) The quantity of "as received" waste in storage each day;

E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F) The date the treatability study was concluded;

G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all

shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency, by March 15 of each year, that includes the following information for the previous calendar year:

A) The name, address, and USEPA identification number of the facility conducting the treatability studies;

B) The types (by process) of treatability studies conducted;

C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);

D) The total quantity of waste in storage each day;

E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted; and

G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e).

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged Material That Is Not a Hazardous Waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

h) Carbon Dioxide Stream Injected for Geologic Sequestration. Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI carbon sequestration injection wells, including the requirements in 35 Ill. Adm. Code 704 and 730, are not a hazardous waste, provided the following conditions are met:

1) Transportation of the carbon dioxide stream must be in compliance with U.S. Department of Transportation requirements, including the pipeline safety laws (chapter 601 of subtitle VIII of 49 USC, incorporated by reference in 35 Ill. Adm. Code 720.111) and regulations (49 CFR 190 through 199, incorporated by reference in 35 Ill. Adm. Code 720.111) of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority under~~pursuant to~~ a certification under 49 USC 60105, incorporated by reference in 35 Ill. Adm. Code 720.111, and 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, as applicable;

BOARD NOTE: The parenthetical language relating to pipeline transportation does not preclude transportation by air, water, highway, or rail that complies with U.S. Department of Transportation regulations at

49 CFR 171 through 180. For this reason, the Board has added citations of those regulations.

2) Injection of the carbon dioxide stream must comply with the applicable requirements for Class VI carbon sequestration injection wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730;

3) No hazardous wastes may be mixed with, or otherwise co-injected with, the carbon dioxide stream; and

4) Required Certifications

A) Any generator of a carbon dioxide stream, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream in compliance with (or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream in compliance with) U.S. Department of Transportation requirements, including the pipeline safety laws (49 USC 60101 et seq.) and regulations (49 CFR Parts 190 through 199) of the U.S. Department of Transportation, and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, as applicable, for injection into a well subject to the requirements for the Class VI Underground Injection Control Program of the federal Safe Drinking Water Act (42 USC 300f et seq.)."

B) Any Class VI carbon sequestration injection well owner or operator, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the UIC Class VI permitted facility, and that injection of the carbon dioxide stream is in compliance with the applicable requirements for UIC Class VI wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730."

C) The signed certification statement must be kept on-site, for no less than three years, and must be made available within 72 hours after a written request from the Agency or USEPA, or their designee. The signed certification statement must be renewed every year that the exclusion is claimed, by having an authorized representative (as defined in 35 Ill. Adm. Code 720.110) annually prepare and sign a new copy of the certification statement within one year after the date of the previous statement. The signed certification statement must also be readily accessible on the facility's publicly-available website (if such website exists) as a public notification with the title of "Carbon Dioxide Stream Certification" at the time the exclusion is claimed.

i) This subsection corresponds with 40 CFR § 261.4(i), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation.

j) Airbag Waste

1) At the airbag waste handler or during transport to an airbag waste collection facility or designated facility, airbag waste is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 and is not subject to the notification requirements of section 3010 of RCRA provided that the airbag waste handler or transporter fulfills the following conditions:

A) The airbag waste handler or transporter accumulates the airbag waste in a quantity of no more than 250 airbag modules or airbag inflators for no longer than 180 days;

B) The airbag waste handler or transporter packages the airbag waste in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste – Do Not Reuse";

C) The airbag waste handler or transporter sends the airbag waste directly to either of the following facilities:

i) An airbag waste collection facility in the United States that is under the control of a vehicle manufacturer or its authorized representative or that~~which~~ is under the control of a person authorized to administer a remedy program in response to a vehicle safety recall under 49 USC 30120; or

ii) A designated facility, as defined in 35 Ill. Adm. Code 720.110;

D) The transport of the airbag waste complies with all applicable USDOT regulations in 49 CFR 171 through 180 during transit; and

E) The airbag waste handler maintains at the handler facility, for no less than three years, records of each off-site shipment of airbag waste and each confirmation of receipt from the receiving facility. For each shipment, these records must, at a minimum, contain the name of the transporter, the date of the shipment, the name and address of the receiving facility, and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment. A confirmation of receipt must include the name and address of the receiving facility, the type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received, and the date when the airbag waste collection facility received the airbag waste. The airbag waste handler must make shipping records and confirmations of receipt available for inspection and may satisfy this requirement using routine business records (e.g., electronic or paper financial records, bills of lading, copies of USDOT shipping papers, electronic confirmations of receipt, etc.).

2) Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste

regulations. The facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and must comply with the requirements of 35 Ill. Adm. Code 722.

3) Reuse in vehicles of defective airbag modules or defective airbag inflators that are subject to a recall under 49 USC 30120 is considered sham recycling and prohibited under 35 Ill. Adm. Code 721.102(g).

BOARD NOTE: This precludes any possibility that reuse qualifies for recycling-based exclusion from the definition of solid waste. Federal law prohibits selling defective recalled motor vehicle equipment if it may reasonably be used for its original purpose. (See 42 USC 30120(j).)

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

Section 721.107 Residues of Hazardous Waste in Empty Containers

a) Applicability of rules.

1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in subsection (b), is not subject to regulation under 35 Ill. Adm. Code 702, 703, or 721 through 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

2) Any hazardous waste in either a container that is not empty or an inner liner that is removed from a container that is not empty, as defined in subsection (b), is subject to regulations under 35 Ill. Adm. Code 702, 703, and 721 through 728 and to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

b) Definition of "empty":

1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Section 721.131 or 721.133(e), is empty if the conditions of subsections (b)(1)(A) and (b)(1)(B) exist, subject to the limitations of subsection (b)(1)(C):

A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and

B) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

C) Weight Limits~~limits.~~

i) No more than three percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons (450 liters) in size; or

ii) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons (450 liters) in size.

2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches ambient atmospheric pressure.

3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Section 721.131 or 721.133(e) is empty if any of the following occurs:

A) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

c) A container that held hazardous waste pharmaceuticals is determined empty under 35 Ill. Adm. Code 726.607, in lieu of under this Section, except as provided by 35 Ill. Adm. Code 726.607(c) and (d).

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702, 703, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The following wastes are subject to regulation under 35 Ill. Adm. Code 733:

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

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

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

d) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

e) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.122 Characteristic of Corrosivity

a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C (pH Electrometric Measurement) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm

(0.250 inch) per year at a test temperature of 55 °C (130 °F)~~55° C (130° F)~~, as determined by Method 1110A (Corrosivity Toward Steel) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The corrosivity characteristic determination currently does not apply to non-liquid wastes, as discussed by USEPA at 45 Fed. Reg. 33109, May 19, 1980 and at 55 Fed. Reg. 22549, June 1, 1990.

b) A solid waste that exhibits the characteristic of corrosivity has the USEPA hazardous waste number of D002.

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f).

b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), unless the container is empty, as defined in Section 721.107(b)(3) or 35 Ill. Adm. Code

726.607.

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be if~~where~~ the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be if~~where~~ the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name~~ listed in...~~" refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use that consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f). If~~Where~~ a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) are identified as acute hazardous waste (H). These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary

hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

Alphabetical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
P023	107-20-0	Acetaldehyde, chloro-	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P057	640-19-7	Acetamide, 2-fluoro-	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P070	116-06-3	Aldicarb	
P203	1646-88-4	Aldicarb sulfone	
P004	309-00-2	Aldrin	
P005	107-18-6	Allyl alcohol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P008	504-24-5	4-Aminopyridine	
P009	131-74-8	Ammonium picrate	(R)
P119	7803-55-6	Ammonium vanadate	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P010	7778-39-4	Arsenic acid H_3AsO_4	
P012	1327-53-3	Arsenic oxide As_2O_3	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic trioxide	
P038	692-42-2	Arsine, diethyl-	
P036	696-28-6	Arsonous dichloride, phenyl-	
P054	151-56-4	Aziridine	
P067	75-55-8	Aziridine, 2-methyl	
P013	542-62-1	Barium cyanide	

P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl) -, (R)-
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b) indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone,3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl) -5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran

P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-

P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites	
P044	60-51-5	Dimethoate	
P046	122-09-8	α,α-Dimethylphenethylamine	
P047	534-52-1*	4,6-Dinitro-o-cresol and salts	
P048	51-28-5	2,4-Dinitrophenol	
P020	88-85-7	Dinoseb	
P085	152-16-9	Diphosphoramide, octamethyl-	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P039	298-04-4	Disulfoton	
P049	541-53-7	Dithiobiuret	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P050	115-29-7	Endosulfan	
P088	145-73-3	Endothall	
P051	72-20-8	Endrin	
P051	72-20-8	Endrin, and metabolites	
P042	51-43-4	Epinephrine	
P031	460-19-5	Ethanedinitrile	
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester	
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl ester	
P101	107-12-0	Ethyl cyanide	
P054	151-56-4	Ethyleneimine	
P097	52-85-7	Famphur	
P056	7782-41-4	Fluorine	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P198	23422-53-9	Formetanate hydrochloride	
P197	17702-57-7	Formparanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)

P059	76-44-8	Heptachlor	
P062	757-58-4	Hexaethyl tetraphosphate	
P116	79-19-6	Hydrazinecarbothioamide	
P068	60-34-4	Hydrazine, methyl-	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P096	7803-51-2	Hydrogen phosphide	
P060	465-73-6	Isodrin	
P192	119-38-0	Isolan	
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-	
P196	15339-36-3	Manganese dimethyldithiocarbamate	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P065	628-86-4	Mercury fulminate	(R, T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P064	624-83-9	Methane, isocyanato-	
P016	542-88-1	Methane, oxybis(chloro-	
P112	509-14-8	Methane, tetranitro-	(R)
P118	75-70-7	Methanethiol, trichloro-	
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride	
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy) phenyl)-	
P199	2032-65-7	Methiocarb	
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	

P066	16752-77-5	Methomyl	
P068	60-34-4	Methyl hydrazine	
P064	624-83-9	Methyl isocyanate	
P069	75-86-5	2-Methyllactonitrile	
P071	298-00-0	Methyl parathion	
P190	1129-41-5	Metolcarb	
P128	315-18-4	Mexacarbate	
P072	86-88-4	α-Naphthylthiourea	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P076	10102-43-9	Nitric oxide	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P076	10102-43-9	Nitrogen oxide NO	
P078	10102-44-0	Nitrogen oxide NO_2	
P081	55-63-0	Nitroglycerine	(R)
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P194	23135-22-0	Oxamyl	
P089	56-38-2	Parathion	
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	
P048	51-28-5	Phenol, 2,4-dinitro-	
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts	

P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate	
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P094	298-02-2	Phorate	
P095	75-44-5	Phosgene	
P096	7803-51-2	Phosphine	
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester	
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P204	57-47-6	Physostigmine	
P188	57-64-7	Physostigmine salicylate	
P110	78-00-2	Plumbane, tetraethyl-	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Potassium silver cyanide	

P201	2631-37-0	Promecarb	
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P101	107-12-0	Propanenitrile	
P027	542-76-7	Propanenitrile, 3-chloro-	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P017	598-31-2	2-Propanone, 1-bromo-	
P102	107-19-7	Propargyl alcohol	
P003	107-02-8	2-Propenal	
P005	107-18-6	2-Propen-1-ol	
P067	75-55-8	1,2-Propylenimine	
P102	107-19-7	2-Propyn-1-ol	
P008	504-24-5	4-Pyridinamine	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P108	57-24-9*	Strychnine and salts	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P109	3689-24-5	Tetraethyldithiopyrophosphate	

P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Tetranitromethane	(R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Thallium (I) sulfate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P045	39196-18-4	Thiofanox	
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	
P014	108-98-5	Thiophenol	
P116	79-19-6	Thiosemicarbazide	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P093	103-85-5	Thiourea, phenyl-	
P123	8001-35-2	Toxaphene	
P185	26419-73-8	Tirpate	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P205	137-30-4	Ziram	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P003	107-02-8	2-Propenal	
P004	309-00-2	Aldrin	
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-	
P005	107-18-6	Allyl alcohol	
P005	107-18-6	2-Propen-1-ol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P008	504-24-5	4-Aminopyridine	
P008	504-24-5	4-Pyridinamine	
P009	131-74-8	Ammonium picrate	(R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P010	7778-39-4	Arsenic acid H_3AsO_4	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic oxide As_2O_3	
P012	1327-53-3	Arsenic trioxide	
P013	542-62-1	Barium cyanide	
P014	108-98-5	Benzenethiol	
P014	108-98-5	Thiophenol	
P015	7440-41-7	Beryllium powder	
P016	542-88-1	Dichloromethyl ether	
P016	542-88-1	Methane, oxybis(chloro-	
P017	598-31-2	Bromoacetone	

P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton

P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-
P046	122-09-8	α,α-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites

P054	151-56-4	Aziridine	
P054	151-56-4	Ethyleneimine	
P056	7782-41-4	Fluorine	
P057	640-19-7	Acetamide, 2-fluoro-	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P059	76-44-8	Heptachlor	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-	
P060	465-73-6	Isodrin	
P062	757-58-4	Hexaethyl tetraphosphate	
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P064	624-83-9	Methane, isocyanato-	
P064	624-83-9	Methyl isocyanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P065	628-86-4	Mercury fulminate	(R, T)
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)-carbonyl)oxy)-, methyl ester	
P066	16752-77-5	Methomyl	
P067	75-55-8	Aziridine, 2-methyl	
P067	75-55-8	1,2-Propylenimine	
P068	60-34-4	Hydrazine, methyl-	
P068	60-34-4	Methyl hydrazine	
P069	75-86-5	2-Methyllactonitrile	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P070	116-06-3	Aldicarb	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P071	298-00-0	Methyl parathion	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P072	86-88-4	α-Naphthylthiourea	
P072	86-88-4	Thiourea, 1-naphthalenyl-	

P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P076	10102-43-9	Nitric oxide	
P076	10102-43-9	Nitrogen oxide NO	
P077	100-01-6	Benzenamine, 4-nitro-	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P078	10102-44-0	Nitrogen oxide NO_2	
P081	55-63-0	Nitroglycerine	(R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P085	152-16-9	Diphosphoramide, octamethyl-	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	Endothall	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P089	56-38-2	Parathion	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P093	103-85-5	Thiourea, phenyl-	
P094	298-02-2	Phorate	

P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P095	75-44-5	Carbonic dichloride	
P095	75-44-5	Phosgene	
P096	7803-51-2	Hydrogen phosphide	
P096	7803-51-2	Phosphine	
P097	52-85-7	Famphur	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P099	506-61-6	Potassium silver cyanide	
P101	107-12-0	Ethyl cyanide	
P101	107-12-0	Propanenitrile	
P102	107-19-7	Propargyl alcohol	
P102	107-19-7	2-Propyn-1-ol	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P108	57-24-9*	Strychnine and salts	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P110	78-00-2	Plumbane, tetraethyl-	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Methane, tetranitro-	(R)
P112	509-14-8	Tetranitromethane	(R)
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	

P115	7446-18-6	Thallium (I) sulfate	
P116	79-19-6	Hydrazinecarbothioamide	
P116	79-19-6	Thiosemicarbazide	
P118	75-70-7	Methanethiol, trichloro-	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Ammonium vanadate	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P123	8001-35-2	Toxaphene	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P127	1563-66-2	Carbofuran	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P128	315-18-4	Mexacarbate	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P185	26419-73-8	Tirpate	
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)	
P188	57-64-7	Physostigmine salicylate	
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	
P189	55285-14-8	Carbosulfan	
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester	
P190	1129-41-5	Metolcarb	
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester	

P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P205	137-30-4	Ziram

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d), are identified as toxic wastes (T) unless otherwise designated. These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U394	30558-43-1	A2213	
U001	75-07-0	Acetaldehyde	(I)
U034	75-87-6	Acetaldehyde, trichloro-	
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U144	301-04-2	Acetic acid, lead (2+) salt	
U214	563-68-8	Acetic acid, thallium (1+) salt	
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	
U002	67-64-1	Acetone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U008	79-10-7	Acrylic acid	(I)
U009	107-13-1	Acrylonitrile	
U011	61-82-5	Amitrole	

U012	62-53-3	Aniline	(I, T)
U136	75-60-5	Arsinic acid, dimethyl-	
U014	492-80-8	Auramine	
U015	115-02-6	Azaserine	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U280	101-27-9	Barban	
U278	22781-23-3	Bendiocarb	
U364	22961-82-6	Bendiocarb phenol	
U271	17804-35-2	Benomyl	
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U018	56-55-3	Benz(a)anthracene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U328	95-53-4	Benzenamine, 2-methyl-	
U353	106-49-0	Benzenamine, 4-methyl-	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U019	71-43-2	Benzene	(I, T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	

U037	108-90-7	Benzene, chloro-	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U070	95-50-1	Benzene, 1,2-dichloro-	
U071	541-73-1	Benzene, 1,3-dichloro-	
U072	106-46-7	Benzene, 1,4-dichloro-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	
U017	98-87-3	Benzene, (dichloromethyl)-	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U239	1330-20-7	Benzene, dimethyl-	(I)
U201	108-46-3	1,3-Benzenediol	
U127	118-74-1	Benzene, hexachloro-	
U056	110-82-7	Benzene, hexahydro-	(I)
U220	108-88-3	Benzene, methyl-	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U169	98-95-3	Benzene, nitro-	(I, T)
U183	608-93-5	Benzene, pentachloro-	
U185	82-68-8	Benzene, pentachloronitro-	
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)

U021	92-87-5	Benzidene	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-	
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	
U064	189-55-9	Benzo(rst)pentaphene	
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U022	50-32-8	Benzo(a)pyrene	
U197	106-51-4	p-Benzoquinone	
U023	98-07-7	Benzotrichloride	(C, R, T)
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U225	75-25-2	Bromoform	
U030	101-55-3	4-Bromophenyl phenyl ether	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U031	71-36-3	1-Butanol	(I)
U159	78-93-3	2-Butanone	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U053	4170-30-3	2-Butenal	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	

U031	71-36-3	n-Butyl alcohol	(I)
U136	75-60-5	Cacodylic acid	
U032	13765-19-0	Calcium chromate	
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	
U238	51-79-6	Carbamic acid, ethyl ester	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester	
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester	
U097	79-44-7	Carbamic chloride, dimethyl-	
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	
U279	63-25-2	Carbaryl	
U372	10605-21-7	Carbendazim	
U367	1563-38-8	Carbofuran phenol	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U211	56-23-5	Carbon tetrachloride	
U034	75-87-6	Chloral	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U026	494-03-1	Chlornaphazin	
U037	108-90-7	Chlorobenzene	

U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U042	110-75-8	2-Chloroethyl vinyl ether	
U044	67-66-3	Chloroform	
U046	107-30-2	Chloromethyl methyl ether	
U047	91-58-7	β-Chloronaphthalene	
U048	95-57-8	o-Chlorophenol	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Cumene	(I)
U246	506-68-3	Cyanogen bromide CNBr	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U056	110-82-7	Cyclohexane	(I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U057	108-94-1	Cyclohexanone	(I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U058	50-18-0	Cyclophosphamide	
U240	P 94-75-7	2,4-D, salts and esters	
U059	20830-81-3	Daunomycin	
U060	72-54-8	DDD	
U061	50-29-3	DDT	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U078	75-35-4	1,1-Dichloroethylene	

U079	156-60-5	1,2-Dichloroethylene	
U025	111-44-4	Dichloroethyl ether	
U027	108-60-1	Dichloroisopropyl ether	
U024	111-91-1	Dichloromethoxy ethane	
U081	120-83-2	2,4-Dichlorophenol	
U082	87-65-0	2,6-Dichlorophenol	
U084	542-75-6	1,3-Dichloropropene	
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U395	5952-26-1	Diethylene glycol, dicarbamate	
U108	123-91-1	1,4-Diethyleneoxide	
U028	117-81-7	Diethylhexyl phthalate	
U086	1615-80-1	N,N’-Diethylhydrazine	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U099	540-73-8	1,2-Dimethylhydrazine	
U101	105-67-9	2,4-Dimethylphenol	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U110	142-84-7	Dipropylamine	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U041	106-89-8	Epichlorohydrin	
U001	75-07-0	Ethanal	(I)
U404	121-44-8	Ethanamine, N,N-diethyl-	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	

U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U077	107-06-2	Ethane, 1,2-dichloro-	
U131	67-72-1	Ethane, hexachloro-	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U184	76-01-7	Ethane, pentachloro-	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U218	62-55-5	Ethanethioamide	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester	
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	
U359	110-80-5	Ethanol, 2-ethoxy-	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate	
U004	98-86-2	Ethanone, 1-phenyl-	
U043	75-01-4	Ethene, chloro-	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U210	127-18-4	Ethene, tetrachloro-	
U228	79-01-6	Ethene, trichloro-	
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U238	51-79-6	Ethyl carbamate (urethane)	
U117	60-29-7	Ethyl ether	(I)
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U067	106-93-4	Ethylene dibromide	

U077	107-06-2	Ethylene dichloride	
U359	110-80-5	Ethylene glycol monoethyl ether	
U115	75-21-8	Ethylene oxide	(I, T)
U116	96-45-7	Ethylenethiourea	
U076	75-34-3	Ethylidene dichloride	
U118	97-63-2	Ethyl methacrylate	
U119	62-50-0	Ethyl methanesulfonate	
U120	206-44-0	Fluoranthene	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U147	108-31-6	2,5-Furandione	
U213	109-99-9	Furan, tetrahydro-	(I)
U125	98-01-1	Furfural	(I)
U124	110-00-9	Furfuran	(I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U126	765-34-4	Glycidylaldehyde	
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	Hexachlorobutadiene	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U243	1888-71-7	Hexachloropropene	
U133	302-01-2	Hydrazine	(R, T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U116	96-45-7	2-Imidazolidinethione	

U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U190	85-44-9	1,3-Isobenzofurandione	
U140	78-83-1	Isobutyl alcohol	(I, T)
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Lead acetate	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U145	7446-27-7	Lead phosphate	
U146	1335-32-6	Lead subacetate	
U129	58-89-9	Lindane	
U163	70-25-7	MNNG	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U149	109-77-3	Malononitrile	
U150	148-82-3	Melphalan	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U092	124-40-3	Methanamine, N-methyl-	(I)
U029	74-83-9	Methane, bromo-	
U045	74-87-3	Methane, chloro-	(I, T)
U046	107-30-2	Methane, chloromethoxy-	
U068	74-95-3	Methane, dibromo-	
U080	75-09-2	Methane, dichloro-	
U075	75-71-8	Methane, dichlorodifluoro-	
U138	74-88-4	Methane, iodo-	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U211	56-23-5	Methane, tetrachloro-	
U153	74-93-1	Methanethiol	(I, T)
U225	75-25-2	Methane, tribromo-	
U044	67-66-3	Methane, trichloro-	
U121	75-69-4	Methane, trichlorofluoro-	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U154	67-56-1	Methanol	(I)
U155	91-80-5	Methapyrilene	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	

U247	72-43-5	Methoxychlor	
U154	67-56-1	Methyl alcohol	(I)
U029	74-83-9	Methyl bromide	
U186	504-60-9	1-Methylbutadiene	(I)
U045	74-87-3	Methyl chloride	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U226	71-55-6	Methylchloroform	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U068	74-95-3	Methylene bromide	
U080	75-09-2	Methylene chloride	
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U138	74-88-4	Methyl iodide	
U161	108-10-1	Methyl isobutyl ketone	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U164	56-04-2	Methylthiouracil	
U010	50-07-7	Mitomycin C	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U167	134-32-7	1-Naphthalenamine	
U168	91-59-8	2-Naphthalenamine	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U165	91-20-3	Naphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U166	130-15-4	1,4-Naphthalenedione	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U279	63-25-2	1-Naphthalenol, methylcarbamate	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	β-Naphthylamine	
U217	10102-45-1	Nitric acid, thallium (1+) salt	

U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U171	79-46-9	2-Nitropropane	(I, T)
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U177	684-93-5	N-Nitroso-N-methylurea	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U180	930-55-2	N-Nitrosopyrrolidine	
U181	99-55-8	5-Nitro-o-toluidine	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U115	75-21-8	Oxirane	(I, T)
U126	765-34-4	Oxiranecarboxyaldehyde	
U041	106-89-8	Oxirane, (chloromethyl)-	
U182	123-63-7	Paraldehyde	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
See F027	87-86-5	Pentachlorophenol	
U161	108-10-1	Pentanol, 4-methyl-	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U048	95-57-8	Phenol, 2-chloro-	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	Phenol, 2,6-dichloro-	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U052	1319-77-3	Phenol, methyl-	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate	
U170	100-02-7	Phenol, 4-nitro-	

See F027	87-86-5	Phenol, pentachloro-	
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-	
See F027	95-95-4	Phenol, 2,4,5-trichloro-	
See F027	88-06-2	Phenol, 2,4,6-trichloro-	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U189	1314-80-3	Phosphorus sulfide	(R)
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U179	100-75-4	Piperidine, 1-nitroso-	
U192	23950-58-5	Pronamide	
U194	107-10-8	1-Propanamine	(I, T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U149	109-77-3	Propanedinitrile	
U171	79-46-9	Propane, 2-nitro-	(I, T)
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	
U193	1120-71-4	1,3-Propane sultone	
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U002	67-64-1	2-Propanone	(I)
U007	79-06-1	2-Propenamide	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U009	107-13-1	2-Propenenitrile	
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U008	79-10-7	2-Propenoic acid	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U373	122-42-9	Propham	
U411	114-26-1	Propoxur	

See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	
U194	107-10-8	n-Propylamine	(I, T)
U083	78-87-5	Propylene dichloride	
U387	52888-80-9	Prosulfocarb	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U196	110-86-1	Pyridine	
U191	109-06-8	Pyridine, 2-methyl-	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl) amino)-	
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U200	50-55-5	Reserpine	
U201	108-46-3	Resorcinol	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U015	115-02-6	L-Serine, diazoacetate (ester)	
See F027	93-72-1	Silvex (2,4,5-TP)	
U206	18883-66-4	Streptozotocin	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U189	1314-80-3	Sulfur phosphide	(R)
See F027	93-76-5	2,4,5-T	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Tetrachloroethylene	
See F027	58-90-2	2,3,4,6-Tetrachlorophenol	
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Thioacetamide	
U410	59669-26-0	Thiodicarb	

U153	74-93-1	Thiomethanol	(I, T)
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U409	23564-05-8	Thiophanate-methyl	
U219	62-56-6	Thiourea	
U244	137-26-8	Thiram	
U220	108-88-3	Toluene	
U221	25376-45-8	Toluenediamine	
U223	26471-62-5	Toluene diisocyanate	(R, T)
U328	95-53-4	o-Toluidine	
U353	106-49-0	p-Toluidine	
U222	636-21-5	o-Toluidine hydrochloride	
U389	2303-17-5	Triallate	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Trichloroethylene	
U121	75-69-4	Trichloromonofluoromethane	
See F027	95-95-4	2,4,5-Trichlorophenol	
See F027	88-06-2	2,4,6-Trichlorophenol	
U404	121-44-8	Triethylamine	
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U235	126-72-7	Tris (2,3-dibromopropyl) phosphate	
U236	72-57-1	Trypan blue	
U237	66-75-1	Uracil mustard	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U043	75-01-4	Vinyl chloride	
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U239	1330-20-7	Xylene	(I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U001	75-07-0	Acetaldehyde	(I)
U001	75-07-0	Ethanal	(I)
U002	67-64-1	Acetone	(I)
U002	67-64-1	2-Propanone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U004	98-86-2	Ethanone, 1-phenyl-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U007	79-06-1	2-Propenamide	
U008	79-10-7	Acrylic acid	(I)
U008	79-10-7	2-Propenoic acid	(I)
U009	107-13-1	Acrylonitrile	
U009	107-13-1	2-Propenenitrile	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U010	50-07-7	Mitomycin C	
U011	61-82-5	Amitrole	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U012	62-53-3	Aniline	(I, T)
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Auramine	
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U015	115-02-6	Azaserine	
U015	115-02-6	L-Serine, diazoacetate (ester)	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	

U017	98-87-3	Benzene, (dichloromethyl)-	
U018	56-55-3	Benz(a)anthracene	
U019	71-43-2	Benzene	(I, T)
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U021	92-87-5	Benzidene	
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U022	50-32-8	Benzo(a)pyrene	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U023	98-07-7	Benzotrichloride	(C, R, T)
U024	111-91-1	Dichloromethoxy ethane	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U025	111-44-4	Dichloroethyl ether	
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U026	494-03-1	Chlornaphazin	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U027	108-60-1	Dichloroisopropyl ether	
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U028	117-81-7	Diethylhexyl phthalate	
U029	74-83-9	Methane, bromo-	
U029	74-83-9	Methyl bromide	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U030	101-55-3	4-Bromophenyl phenyl ether	
U031	71-36-3	1-Butanol	(I)
U031	71-36-3	n-Butyl alcohol	(I)
U032	13765-19-0	Calcium chromate	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U034	75-87-6	Acetaldehyde, trichloro-	
U034	75-87-6	Chloral	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	

U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U037	108-90-7	Benzene, chloro-	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U041	106-89-8	Epichlorohydrin	
U041	106-89-8	Oxirane, (chloromethyl)-	
U042	110-75-8	2-Chloroethyl vinyl ether	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U043	75-01-4	Ethene, chloro-	
U043	75-01-4	Vinyl chloride	
U044	67-66-3	Chloroform	
U044	67-66-3	Methane, trichloro-	
U045	74-87-3	Methane, chloro-	(I, T)
U045	74-87-3	Methyl chloride	(I, T)
U046	107-30-2	Chloromethyl methyl ether	
U046	107-30-2	Methane, chloromethoxy-	
U047	91-58-7	β-Chloronaphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U048	95-57-8	o-Chlorophenol	
U048	95-57-8	Phenol, 2-chloro-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U052	1319-77-3	Phenol, methyl-	
U053	4170-30-3	2-Butenal	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U055	98-82-8	Cumene	(I)
U056	110-82-7	Benzene, hexahydro-	(I)
U056	110-82-7	Cyclohexane	(I)
U057	108-94-1	Cyclohexanone	(I)

U058	50-18-0	Cyclophosphamide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U059	20830-81-3	Daunomycin
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy)-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-
U060	72-54-8	DDD
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-
U061	50-29-3	DDT
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz(a,h)anthracene
U064	189-55-9	Benzo(rst)pentaphene
U064	189-55-9	Dibenzo(a,i)pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U067	106-93-4	Ethane, 1,2-dibromo-
U067	106-93-4	Ethylene dibromide
U068	74-95-3	Methane, dibromo-
U068	74-95-3	Methylene bromide
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	Benzene, 1,3-dichloro-
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
U073	91-94-1	3,3'-Dichlorobenzidine

U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U075	75-71-8	Methane, dichlorodifluoro-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U076	75-34-3	Ethylidene dichloride	
U077	107-06-2	Ethane, 1,2-dichloro-	
U077	107-06-2	Ethylene dichloride	
U078	75-35-4	1,1-Dichloroethylene	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	1,2-Dichloroethylene	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U080	75-09-2	Methane, dichloro-	
U080	75-09-2	Methylene chloride	
U081	120-83-2	2,4-Dichlorophenol	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	2,6-Dichlorophenol	
U082	87-65-0	Phenol, 2,6-dichloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U083	78-87-5	Propylene dichloride	
U084	542-75-6	1,3-Dichloropropene	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U086	1615-80-1	N,N'-Diethylhydrazine	
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	

U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U092	124-40-3	Methanamine, N-methyl-	(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U097	79-44-7	Carbamic chloride, dimethyl-	
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	1,2-Dimethylhydrazine	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U101	105-67-9	2,4-Dimethylphenol	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Diethyleneoxide	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U110	142-84-7	Dipropylamine	(I)
U110	142-84-7	1-Propanamine, N-propyl-	(I)

U111	621-64-7	Di-n-propylnitrosamine	
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U115	75-21-8	Ethylene oxide	(I, T)
U115	75-21-8	Oxirane	(I, T)
U116	96-45-7	Ethylenethiourea	
U116	96-45-7	2-Imidazolidinethione	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U117	60-29-7	Ethyl ether	(I)
U118	97-63-2	Ethyl methacrylate	
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U119	62-50-0	Ethyl methanesulfonate	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U120	206-44-0	Fluoranthene	
U121	75-69-4	Methane, trichlorofluoro-	
U121	75-69-4	Trichloromonofluoromethane	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U124	110-00-9	Furfuran	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U125	98-01-1	Furfural	(I)
U126	765-34-4	Glycidylaldehyde	
U126	765-34-4	Oxiranecarboxyaldehyde	
U127	118-74-1	Benzene, hexachloro-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U128	87-68-3	Hexachlorobutadiene	
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U129	58-89-9	Lindane	

U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Ethane, hexachloro-	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U133	302-01-2	Hydrazine	(R, T)
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U136	75-60-5	Arsinic acid, dimethyl-	
U136	75-60-5	Cacodylic acid	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U138	74-88-4	Methane, iodo-	
U138	74-88-4	Methyl iodide	
U140	78-83-1	Isobutyl alcohol	(I, T)
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Acetic acid, lead (2+) salt	
U144	301-04-2	Lead acetate	
U145	7446-27-7	Lead phosphate	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U146	1335-32-6	Lead subacetate	

U147	108-31-6	2,5-Furandione	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U149	109-77-3	Malononitrile	
U149	109-77-3	Propanedinitrile	
U150	148-82-3	Melphalan	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U153	74-93-1	Methanethiol	(I, T)
U153	74-93-1	Thiomethanol	(I, T)
U154	67-56-1	Methanol	(I)
U154	67-56-1	Methyl alcohol	(I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U155	91-80-5	Methapyrilene	
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U159	78-93-3	2-Butanone	(I, T)
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U161	108-10-1	Methyl isobutyl ketone	(I)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U161	108-10-1	Pentanol, 4-methyl-	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U163	70-25-7	MNNG	
U164	56-04-2	Methylthiouracil	

U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U165	91-20-3	Naphthalene	
U166	130-15-4	1,4-Naphthalenedione	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	1-Naphthalenamine	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	2-Naphthalenamine	
U168	91-59-8	β-Naphthylamine	
U169	98-95-3	Benzene, nitro-	(I, T)
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U170	100-02-7	Phenol, 4-nitro-	
U171	79-46-9	2-Nitropropane	(I, T)
U171	79-46-9	Propane, 2-nitro-	(I, T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	N-Nitroso-N-methylurea	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U179	100-75-4	Piperidine, 1-nitroso-	
U180	930-55-2	N-Nitrosopyrrolidine	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U181	99-55-8	5-Nitro-o-toluidine	
U182	123-63-7	Paraldehyde	
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U183	608-93-5	Benzene, pentachloro-	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Ethane, pentachloro-	

U184	76-01-7	Pentachloroethane	
U185	82-68-8	Benzene, pentachloronitro-	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
U186	504-60-9	1-Methylbutadiene	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U189	1314-80-3	Phosphorus sulfide	(R)
U189	1314-80-3	Sulfur phosphide	(R)
U190	85-44-9	1,3-Isobenzofurandione	
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U191	109-06-8	Pyridine, 2-methyl-	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U192	23950-58-5	Pronamide	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U193	1120-71-4	1,3-Propane sultone	
U194	107-10-8	1-Propanamine	(I, T)
U194	107-10-8	n-Propylamine	(I, T)
U196	110-86-1	Pyridine	
U197	106-51-4	p-Benzoquinone	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U200	50-55-5	Reserpine	
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U201	108-46-3	1,3-Benzenediol	
U201	108-46-3	Resorcinol	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	

U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U206	18883-66-4	Streptozotocin	
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Ethene, tetrachloro-	
U210	127-18-4	Tetrachloroethylene	
U211	56-23-5	Carbon tetrachloride	
U211	56-23-5	Methane, tetrachloro-	
U213	109-99-9	Furan, tetrahydro-	(I)
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Acetic acid, thallium (1+) salt	
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Ethanethioamide	
U218	62-55-5	Thioacetamide	
U219	62-56-6	Thiourea	
U220	108-88-3	Benzene, methyl-	
U220	108-88-3	Toluene	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U221	25376-45-8	Toluenediamine	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U222	636-21-5	o-Toluidine hydrochloride	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U223	26471-62-5	Toluene diisocyanate	(R, T)
U225	75-25-2	Bromoform	
U225	75-25-2	Methane, tribromo-	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U226	71-55-6	Methylchloroform	
U227	79-00-5	Ethane, 1,1,2-trichloro-	

U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Ethene, trichloro-	
U228	79-01-6	Trichloroethylene	
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U236	72-57-1	Trypan blue	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	
U237	66-75-1	Uracil mustard	
U238	51-79-6	Carbamic acid, ethyl ester	
U238	51-79-6	Ethyl carbamate (urethane)	
U239	1330-20-7	Benzene, dimethyl-	(I, T)
U239	1330-20-7	Xylene	(I, T)
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U240	P 94-75-7	2,4-D, salts and esters	
U243	1888-71-7	Hexachloropropene	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U244	137-26-8	Thiram	
U246	506-68-3	Cyanogen bromide CNBr	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U247	72-43-5	Methoxychlor	
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	

U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213

U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

3)

Section Numbers:	Adopted Actions:
722.110	Amendment
722.113	Amendment
722.114	Amendment
722.115	Amendment
722.116	Amendment
722.117	Amendment
722.122	Amendment
722.123	Amendment
722.141	Amendment
722.181	Amendment
722.182	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9570; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between the Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency

(USEPA) during 2019. The amendment to Part 722 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720, 721, 723 through 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 722 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by JCAR.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.101 Definitions
722.105 Electronic Reporting
722.110 Purpose, Scope, and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers (Repealed)
722.113 Generator Category Determination
722.114 Conditions for Exemption for a Very Small Quantity Generator
722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator
722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste
722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste
722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

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722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
722.122 Number of Copies
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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722.131 Labeling
722.132 Marking
722.133 Placarding
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SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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722.140 Recordkeeping
722.141 Annual Reporting for Large Quantity Generators
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Recordkeeping for Small Quantity Generators
722.150 Applicability (Repealed)
722.151 Definitions (Repealed)
722.152 General Requirements (Repealed)
722.153 Notification of Intent to Export (Repealed)
722.154 Special Manifest Requirements (Repealed)
722.155 Exception Report (Repealed)
722.156 Annual Reports (Repealed)
722.157 Recordkeeping (Repealed)
722.158 International Agreements (Repealed)
722.160 Imports of Hazardous Waste (Repealed)

SUBPART G: FARMERS

Section
722.170 Farmers

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

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

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

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722.301 Applicability
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722.305 Summary of the Requirements of this Subpart K
722.306 Container Standards in the Laboratory
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722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
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SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

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722.350 Applicability
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722.356 Arrangements with Local Authorities
722.360 Purpose and Implementation of Contingency Plan
722.361 Content of Contingency Plan
722.362 Copies of Contingency Plan
722.363 Amendment of Contingency Plan
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722.APPENDIX A Hazardous Waste Manifest (Repealed)

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at

15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-14/R17-15/R18-12/R18-31at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5955, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15263, effective September 3, 2020.

SUBPART A: GENERAL

Section 722.110 Purpose, Scope, and Applicability

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

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

A) Independent Requirements of a VSQG~~.~~

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

ii) Section 722.113 (generator category determination).

B) Independent Requirements of a SQG

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

ii) Section 722.113 (generator category determination);

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

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

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

vi) Section 722.140 (recordkeeping);

vii) Section 722.144 (recordkeeping for SQGs); and

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

C) Independent Requirements of a LQG

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

ii) Section 722.113 (generator category determination);

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

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

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

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

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

2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:

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

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

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

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

b) Determining Generator Category. A generator must use Section 722.113 to determine which provisions of this Part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision.

d) Any person that exports or imports hazardous waste must comply with Section 722.118 and Subpart H.

e) Any person that imports hazardous waste into the United States must comply with

the generator standards of this Part.

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

g) Generator Violation and Noncompliance

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

2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

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

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

j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked "reserved". This statement maintains structural consistency with USEPA rules.

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

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

1) The independent requirements of Section 722.111 or the regulations in Section 722.115 for an LQG or an SQG, except as provided in Subpart K; and

2) The conditions of Section 722.114, for a VSQG, except as provided in Subpart K.

m) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600) is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals in lieu of this Part.

n) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) must determine whether it is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than a threshold quantity of hazardous waste subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals in lieu of this Part. A threshold quantity of hazardous waste is 100 kg (220 pounds) of hazardous waste in a calendar month; more than 1 kg (2.2 pounds) of acute hazardous waste in a calendar month; or more than 100 kg (220 pounds) in a calendar month of any residue or contaminated soil, water, or other debris resulting from the clean-up of a spill of any acute hazardous wastes listed in 35 Ill. Adm. Code 721.131 or 721.133(e) into or on any land or water. A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to Section 722.114 and is not subject to Subpart P of 35 Ill. Adm. Code 726, except

that the healthcare facility remains subject to 35 Ill. Adm. Code 726.605 and 726.607 and the optional provisions of 35 Ill. Adm. Code 726.604.

BOARD NOTE: A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.113 Generator Category Determination

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or

exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity under~~pursuant to~~ Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; ~~or~~

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

9) A hazardous waste pharmaceutical, as defined in 35 Ill. Adm. Code 726.600, that is subject to or managed under Subpart P of 35 Ill. Adm. Code 726, or a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance that is conditionally exempt under 35 Ill. Adm. Code 726.606.

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

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

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

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

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste

1) VSQG Waste

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

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

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

2) SQG and LQG Waste

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous

waste determination requirement at Section 722.111.

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

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

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

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

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

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

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

A) The waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(1); and

B) The conditions for exemption in Section 722.117(a) through (g).

4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

A) The waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);

BOARD NOTE: Section 722.116(c) allows an SQG that must

transport its waste or offer its waste for transportation over a distance of 200 miles for off-site treatment, storage, or disposal to accumulate the waste for up to 270 days.

B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and

C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).

5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:

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

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

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

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

E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;

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

i) Beneficial use or reuse, or legitimate recycling or

reclamation of its waste; or

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

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

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

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

ii) The VSQG marks its containers of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

I) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in 35 Ill. Adm. Code 726.600);~~This subsection (a)(5)(I)~~

~~corresponds with 40 CFR 262.114(a)(5)(ix), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;~~

J) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) that meets the conditions in 35 Ill. Adm. Code 726.602(l) and 726.603(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG; or~~This subsection (a)(5)(J) corresponds with 40 CFR 262.114(a)(5)(x), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;~~

K) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 35 Ill. Adm. Code 721.104(j).

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

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

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

a) A generator may accumulate as much as 55 gallons (208 ℓ) of non-acute hazardous waste or either one quart (0.94 ℓ) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate that~~which~~ is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator

complies with all of the conditions for exemption in this Section. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:

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

2) The generator must use a container made of or lined with materials that will not react with and that~~which~~ are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3) Special Standards for Incompatible Wastes

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

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

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

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

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

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

i) For the proper operation of equipment; or

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

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

A) The words "Hazardous Waste"; and

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

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

A) Either:

i~~A~~) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 722.117(a);~~,~~ or

ii~~B~~) Remove the excess from the satellite accumulation area

within three consecutive calendar days to any of a central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a), an on-site interim status or permitted treatment, storage, or disposal facility; or an off-site designated facility.~~the following:~~

~~i) A central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a);~~

~~ii) An on-site interim status or permitted treatment, storage, or disposal facility, or~~

~~iii) An off-site designated facility; and~~

B~~C~~) During the three-consecutive-calendar-day period provided by subsection (a)(6)(A)(ii), the generator must continue to comply with subsections (a)(1) through (a)(5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b)(8) and emergency procedures at Section 722.116(b)(9).

8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.

b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste

An SQG may accumulate hazardous waste on site without a permit or interim status, and without

complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or the notification requirements of section 3010 of RCRA (42 USC 6930), provided that all of the following conditions for exemption listed in this Section are met:

a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.

b) Accumulation. The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:

1) Accumulation Limit. The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);

2) Accumulation of Hazardous Waste in Containers

A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.

B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and that~~which~~ are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

C) Management of Containers

i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.

E) Special Conditions for Accumulation of Incompatible Wastes

i) The SQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) must not be placed in the same container, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

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

iii) The SQG must separate or protect a container accumulating hazardous waste, by means of a dike, berm, wall, or other device, from any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

3) Accumulation of Hazardous Waste in Tanks

A) This subsection (b)(3)(A) corresponds with 40 CFR 262.116(b)(3)(i), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

B) An SQG of hazardous waste must comply with the following general operating conditions:

i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

iv) If~~Where~~ hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (*e.g.*, waste feed cutoff system or by-pass system to a stand-by tank).

C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, if~~where~~ present:

i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;

iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);

iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and

v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures that~~which~~ the inspection reveals on a schedule that~~which~~ ensures that the problem does not lead to an environmental or human health hazard. If~~Where~~ a hazard is imminent or has already occurred, the SQG must immediately take remedial action.

D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, if~~where~~ applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.

G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:

i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste is in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.

ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are

being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

C) The SQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or

ii) Documentation that the SQG empties the unit at least once every 90 days.

iii) The SQG must maintain inventory logs or records with the above information on site and readily available for inspection.

6) Labeling and Marking of Containers and Tanks

A) Containers. An SQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

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

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An SQG accumulating hazardous waste in tanks must do

the following:

i) Mark or label its tanks with the words "Hazardous Waste";

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

iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.

8) Preparedness and Prevention

A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.

i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, if~~where~~ required, as necessary to assure its proper operation in time of emergency.

D) Access to Communications or Alarm System

i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste, all personnel involved in the

operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).

ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).

E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

F) Arrangements with Local Authorities

i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where

facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. If~~Where~~ more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority. BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for

coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.

B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

i) The name and emergency telephone number of the emergency coordinator;

ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;

D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:

i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;

ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;

iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water,

the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424-8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (*e.g.*, spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).

d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period under~~pursuant to~~ sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

e) Rejected Loads~~Load. An SQG may accumulate returned waste on site in accordance with subsections (a) and (b) if the SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste but which the generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on site in accordance with subsections (a) through (d). Upon receipt of the returned shipment, the SQG must do either of the following:~~

1) An SQG may accumulate returned waste on site in accordance with subsections (a) through (d) under the following conditions:

A) The SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste; and

B) The generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172.

2) Upon receipt of the returned shipment, the SQG must do either of the following:

A~~1~~) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

B~~2~~) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG meets all of the following conditions for exemption:

a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:

1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:

A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;

B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

D) Management of Containers

i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.

ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.

E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes

i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.

ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.

G) Special Conditions for Accumulation of Incompatible Wastes

i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.

3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725;

B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and

C) The LQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG

places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the ~~16(d) and~~ generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures

ii) Documentation that the LQG empties the unit at least once every 90 days.

iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.

5) Labeling and Marking of Containers and Tanks

A) Containers. An LQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

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

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

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

iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).

7) Personnel Training

A) Personnel Training Program

i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).

ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems,

including, if~~where~~ applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

iv) For facility employees that receive emergency response training under~~pursuant to~~ 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training under~~pursuant to~~ this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. An employee must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).

C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).

D) The LQG must maintain the following documents and records at the facility:

i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the

requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;

iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);

iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).

E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:

A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit:

i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or

ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.

B) Notification for Closure of the Facility

i) Notify the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.

ii) Notify the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank, or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.

iii) An LQG may request additional time to clean close, but it must notify the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units

i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste,

hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.

iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.

iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform post-closure~~postclosure~~ care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.

D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and

(a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).

E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.

9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 35 Ill. Adm. Code 728.

b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period under~~pursuant to~~ sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:

1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;

2) The F006 waste is legitimately recycled through metals recovery;

3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and

4) The LQG manages the F006 waste in accordance with the following requirements:

A) Requirements for Managing F006 Waste

i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).

ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).

iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.

B) The LQG is exempt from all requirements of Subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).

C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.

D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:

i) The words "Hazardous Waste"; and

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

E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).

e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste

must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit under~~pursuant to~~ sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the following conditions. "Control~~,~~", for the purposes of this Section, means the power to direct the policies of the LQG and VSQG, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a LQG or VSQG facility on behalf of a different person is not be deemed to "control" the LQG or VSQG.

1) The LQG must notify the Agency at least 30 days prior to receiving the first shipment from a VSQG using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12); and

A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and

B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.

3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:

1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.122 Number of Copies

The manifest consists of at least that number of copies that will provide the generator; each

transporter; and the owner or operator of the designated receiving treatment, storage, or disposal facility each with one copy for their records, plus provide one copy to be returned to the generator~~, plus provide two copies to be sent to the Agency, one by each of the generator and the receiving treatment, storage, or disposal facility owner or operator~~.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.123 Use of the Manifest

a) The generator must do the following:

1) Sign the manifest certification by hand;

2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

3) Retain one copy, in accordance with Section 722.140(a).~~; and~~

~~4) Send one copy of the manifest to the Agency within two working days.~~

b) The generator must give the transporter the remaining copies of the manifest.

c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.

d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:

1) The next non-rail transporter, if any;

2) The designated receiving facility, if the waste is transported solely by rail; or

3) The last rail transporter to handle the waste in the United States, if the

waste is exported by rail.

BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.

f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:

1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:

A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

B) Item 18c of the original manifest if the original manifest is used for the returned shipment;

2) The generator must provide a copy of the manifest to the transporter;

3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and

4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

BOARD NOTE: The use of the term "non-empty containers" in this subsection (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty containers", for the purposes of this subsection (f), are containers that are not

deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That rule allows a container that still contains waste residues to be considered "empty" under specified conditions. Thus, "container residues contained in non-empty containers" are subject to regulation as hazardous waste, and the requirements of this subsection (f) apply to those residues.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.141 Annual Reporting for Large Quantity Generators

a) A generator that is an LQG for at least one month of any calendar year (reporting year) shipping any hazardous waste off site to a treatment, storage or disposal facility within the United States must complete and submit an annual report to the Agency by March 1 of the following year. The annual report must be submitted on a form supplied by the Agency, and it must cover generator activities during the previous calendar year.

b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposing of hazardous waste on site must complete and submit to the Agency by March 1 of the following ~~even-numbered~~ year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG under~~pursuant to~~ Section 722.117(f).

c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section 722.181 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart H and to other provisions within this Part 722 as specifically indicated:

"Amber control procedures" means the controls listed in Section D of Annex A ("Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Amber waste" means a waste listed in Appendix 4 ("List of Wastes Subject to the Amber Control Procedure") to Annex A and in Annex C ("OECD Consolidated List of Wastes Subject to the Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Competent authority" means the regulatory authority or authorities of countries concerned having jurisdiction over transboundary~~trans-boundary~~ movements of wastes.
BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country: http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx.

"Countries concerned" means the countries of export or import and any countries of transit. Use of singular "concerned country" is contemplated within this definition if~~where~~ the text refers only to a single country.

"Country of export" means any country from which a transboundary~~trans-boundary~~ movement of hazardous waste is planned to be initiated or is initiated.

"Country of import" means any country to which a transboundary~~trans-boundary~~ movement of hazardous waste is planned or takes place for the purpose of submitting the waste to recovery or disposal operations in that country.

"Country of transit" means any country other than the country of export or country of import across which a transboundary~~trans-boundary~~ movement of waste is planned to be initiated or takes place.

"Disposal operations" means activities that do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use, or alternate uses, which include the following:

D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.

D2 Land treatment, such as biodegradation of liquids or sludges in soils.

D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.

D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.

D5 Specially engineered landfill, such as placement into lined discrete cells that~~which~~ are capped and isolated from one another and the environment.

D6 Release into a water body other than a sea or ocean, and other than by operation D4.

D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.

D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures that~~which~~ are discarded by means of any of operations D1 through D12.

D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures that~~which~~ are discarded by means of any of operations D1 through D12.

D10 Incineration on land.

D11 Incineration at sea.

D12 Permanent storage.

D13 Blending or mixing, prior to any of operations D1 through D12.

D14 Repackaging, prior to any of operations D1 through D13.

D15 Interim storage, prior to any of operations D1 through D12 (for transboundary movements other than with Canada).

DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).

DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).

"Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations at the destination.

"Exporter" (designated as “primary exporter” in the certification statement on the RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the person domiciled in the United States that originates the movement document in accordance with Section 722.183(d) or the manifest in accordance with Subpart B specifying~~specifing~~ a foreign receiving facility as the destination of the hazardous waste or any recognized trader that proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

"Foreign exporter" means the person under the jurisdiction of the country of export that has, or will have at the time the planned transboundary~~trans-boundary~~ movement commences, possession or other forms of legal control of the hazardous waste and that proposes shipment of hazardous waste to the United States for recovery or disposal operations.

"Foreign importer" means the person assigned possession or other form of legal control of the hazardous waste upon receipt of the exported hazardous waste in the country of import.

"Foreign receiving facility" means a facility that operates or is authorized to operate under the importing country's applicable domestic law to receive the hazardous wastes and to perform recovery or disposal operations on them.

"Green control procedures" means the controls listed in Section C of Annex A ("Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated List of Wastes Subject to the Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations at the destination.

"Importer" means the person that is assigned possession or other form of legal control of the hazardous waste at the time the imported hazardous waste is received in the United States.

"OECD" means the Organisation for Economic Co-operation and Development.

"OECD area" means all land or marine areas under the national jurisdiction of any OECD member country. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

"OECD Guidance Manual" means "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the segments incorporated

by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156.
BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation "C(2001)107/FINAL", USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

"OECD member country" means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.
BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD member~~Member~~ countries on the Internet. (https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd).

"Receiving facility" means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other applicable domestic laws.

"Recognized trader" means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transboundary~~trans-boundary~~ movements of wastes destined for recovery operations.

"Recovery facility" means a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types

of operations:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy,

R2 Solvent reclamation or regeneration,

R3 Recycling or reclamation of organic substances that are not used as solvents,

R4 Recycling or reclamation of metals and metal compounds,

R5 Recycling or reclamation of other inorganic materials,

R6 Regeneration of acids or bases,

R7 Recovery of components used for pollution abatement,

R8 Recovery of components from used catalysts,

R9 Used oil re-refining or other reuses of previously used oil,

R10 Land treatment resulting in benefit to agriculture or ecological improvement,

R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 (for transboundary shipments other than with Canada),

R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 (for transboundary shipments other than with Canada), and

R13 Accumulation of material intended for any operation numbered R1 through R12 (for transboundary shipments other than with Canada).

RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through

R10 (for transboundary shipments with Canada only).

RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).

RC16 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

"Transboundary~~Trans-boundary~~ movement" means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

"USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends to the exporter documenting the specific terms of the country of import's consent and any countries of transit's consents.
BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the definition of "export license" in 15 CFR 30.1.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.182 General Conditions

a) Scope. The level of control for exports and imports of waste is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.

1) Green Wastes

A) Green waste that is not hazardous waste is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.

B) Green waste that is hazardous waste is subject to the requirements of this Subpart H.

2) Amber Wastes

A) Amber waste that is hazardous waste is subject to the Amber control procedures set forth in this Subpart H, even if it is

imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

i) For exports, exporter must comply with Section 722.183.

ii) For imports, the recovery or disposal facility and the importer must comply with Section 722.184.

B) Amber waste that is not hazardous waste, but which is considered hazardous by the other country, is subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of this Subpart H.

3) Mixtures

A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more

Amber wastes that is hazardous waste is subject to the requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for transboundary~~trans-boundary~~ movements, as follows:

A) If such waste is hazardous waste, the waste is subject to the requirements of this Subpart H.

B) If such waste is not hazardous waste, the waste is not subject to the requirements of this Subpart H.

b) General Conditions Applicable to Transboundary~~Trans-Boundary~~ Movements of Hazardous Waste

1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;

2) The transboundary~~trans-boundary~~ movement must comply with applicable international transport agreements; and

BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries must comply with all applicable international and national laws and regulations.

c) Duty to return wastes subject to the Amber control procedures during transit through the United States. When a transboundary~~trans-boundary~~ movement of hazardous waste subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise

constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries.

d) Laboratory Analysis Exemption. Export or import of a hazardous waste sample is exempt from the requirements of this Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in this Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington, DC 20460.

2) For Hand-Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division
Environmental Protection Agency
William Jefferson Clinton South Bldg., Room 6144
12th St. and Pennsylvania Ave NW.

Washington, DC 20004.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

2) Code Citation: 35 Ill. Adm. Code 723

3)

Section Numbers:	Adopted Actions:
723.120	Amendment
723.121	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9638; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between the Proposal and the Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have

substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 723 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 722, 724 through 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 723 incorporate needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

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

PART 723
STANDARDS APPLICABLE TO
TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements
723.113 Electronic Reporting

SUBPART B: COMPLIANCE WITH THE MANIFEST
SYSTEM AND RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping
723.125 Electronic Manifest Signatures

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Cleanup

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19 at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at

11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17965, effective September 28, 1998; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3180, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 881, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11969, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 17959, effective October 14, 2011; amended in R15-1 at 39 Ill. Reg. 1711, effective January 12, 2015; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22595, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 585, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5995, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15331, effective September 3, 2020.

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section 723.120 The Manifest System

a) No Acceptance Without a Manifest

1) Manifest Requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (USEPA Form 8700-22, and if necessary, USEPA Form 8700-22A) signed in accordance with the provisions of 35 Ill. Adm. Code 723.123, or is provided with an e-Manifest that is obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3) and signed with a valid and enforceable electronic signature as described in 35 Ill. Adm. Code 722.125.

2) Exports. For exports of hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this Section, as appropriate, and for exports occurring under the terms of a consent issued by USEPA on or after December 31, 2016, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d).

3) This subsection (a)(3) corresponds with 40 CFR 263.20(a)(3), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.

4) Use of e-Manifest − Legal Equivalence to Paper Forms for Participating Transporters. E-Manifests that are obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

A) Any requirement in 35 Ill. Adm. Code 720 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

B) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

C) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that, to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a hazardous waste transporter must carry one printed copy of the e-Manifest on the transport vehicle.

D) Any requirement in 35 Ill. Adm. Code 720 through 728 for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an e-Manifest in the transporter's account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized state inspector.

E) No transporter may be held liable for the inability to produce an e-Manifest for inspection under this Section if that transporter can demonstrate that the inability to produce the e-Manifest is exclusively due to a technical difficulty with the USEPA e-Manifest System for which the transporter bears no responsibility.

BOARD NOTE: The Board has rendered the language "any requirement in these regulations" in corresponding 40 CFR 263.20(a)(4)(i) through (a)(4)(iv) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a)(4).

5) A transporter may participate in the e-Manifest System either by accessing the e-Manifest System from the transporter's own electronic equipment, or by accessing the e-Manifest System from the equipment provided by a participating generator, by another transporter, or by a designated facility.

6) Special Procedures When e-Manifest Is Not Available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the e-Manifest System should become unavailable for any reason, then the following requirements apply:

A) The transporter in possession of the hazardous waste when the e-Manifest becomes unavailable must reproduce sufficient copies of the printed manifest that is carried on the transport vehicle under~~pursuant to~~ subsection (a)(4)(C)~~(i)~~ or obtain and complete another paper manifest for this purpose. The transporter must reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

B) On each printed copy, the transporter must include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the e-Manifest System, must include (if not pre-printed on the replacement manifest) the manifest tracking number of the e-Manifest that is replaced by the paper manifest, and must also include a brief explanation why the e-Manifest was not

available for completing the tracking of the shipment electronically.

C) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

D) From the point at which the e-Manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies must be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

7) Special Procedures for Electronic Signature Methods Undergoing Tests. If a transporter using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter must sign the e-Manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with subsection (a)(4)(C)(i). This printed copy bearing the generator's and transporter's ink signatures must also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy must be delivered to the designated facility with the waste materials.

8) This subsection (a)(8) corresponds with 40 CFR 263.20(a)(8), which USEPA has removed and marked "reserved". This statement maintains consistency with the corresponding federal rules.

9) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. A

transporter may participate electronically in the post-receipt data corrections process by following the process described in 35 Ill. Adm. Code 724.171(l), which applies to corrections made to either paper or electronic manifest records.

b) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

c) In the case of exports occurring under the terms of a consent issued by USEPA to the exporter on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by USEPA to the country of export or the importer on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.184(d) also accompanies the hazardous waste.

d) A transporter that delivers a hazardous waste to another transporter or to the designated facility must do the following:

1) It must obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest;

2) It must retain one copy of the manifest in accordance with Section 723.122; and

3) It must give the remaining copies of the manifest to the accepting transporter or designated facility.

e) Subsections (c), (d), and (f) do not apply to water (bulk shipment) transporters if all of the following are true:

1) The hazardous waste is delivered by water (bulk shipment) to the designated facility;

2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) or 722.184(d) accompanies the hazardous waste;

3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator designated facility on either the manifest or the shipping paper;

4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 723.122.

f) For shipments involving rail transportation, the following requirements apply instead of subsections (c), (d), and (e), which do not apply:

1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must do the following:

A) It must sign and date the manifest acknowledging acceptance of the hazardous waste;

B) It must return a signed copy of the manifest to the non-rail transporter;

C) It must forward at least three copies of the manifest to the following entities:

i) The next non-rail transporter, if any;

ii) The designated facility, if the shipment is delivered to that facility by rail; or

iii) The last rail transporter designated to handle the waste in the United States; and

D) It must retain one copy of the manifest and rail shipping paper in accordance with Section 723.122.

2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) or 722.184(d) accompanies the hazardous waste at all times.

BOARD NOTE: Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.

3) When delivering hazardous waste to the designated facility, a rail transporter must do the following:

A) It must obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

B) It must retain a copy of the manifest or signed shipping paper in accordance with Section 723.122.

4) When delivering hazardous waste to a non-rail transporter a rail transporter must do the following:

A) It must obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

B) It must retain a copy of the manifest in accordance with Section 723.122.

5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

g) Transporters that transport hazardous waste out of the United States must do the following:

1) Sign and date the manifest in the International Shipments block to indicate the date that the hazardous waste left the United States;

2) Retain one copy in accordance with Section 723.122(d);

3) Return a signed copy of the manifest to the generator; and

4) For paper manifests only, the transporter must do the following:

A) Send a copy of the manifest to the e-Manifest System in accordance with the allowable methods specified in 35 Ill. Adm. Code 724.171(a)(2)(E); and

B) For shipments initiated prior to December 31, 2017, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

h) A transporter transporting hazardous waste from a generator that generates greater than 100 kg (220 lbs) but less than 1,000 kg (2,200 lbs) of hazardous waste in a calendar month need not comply with this Section or Section 723.122 provided that:

1) The waste is being transported under~~pursuant to~~ a reclamation agreement provided for in 35 Ill. Adm. Code 722.120(e);

2) The transporter records, on a log or shipping paper, the following information for each shipment:

A) The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.118) of the generator of the waste;

B) The quantity of waste accepted;

C) All shipping information required by the United States Department of Transportation;

D) The date the waste is accepted; and

3) The transporter carries this record when transporting waste to the reclamation facility; and

4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(Source: Amended at 44 Ill. Reg. 15331, effective September 3, 2020)

Section 723.121 Compliance with the Manifest

a) Except as provided in subsection (b), the transporter must deliver the entire quantity of hazardous waste that~~which~~ it has accepted from a generator or a transporter to:

1) The designated facility listed on the manifest; or

2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

3) The next designated transporter; or

4) The place outside the United States designated by the generator.

b) Non-Delivery of the Hazardous Waste

1) Emergency Condition. If the hazardous waste cannot be delivered in accordance with subsection (a)(1), (a)(2), or (a)(4) because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter must contact the generator for further instructions and must revise the manifest according to the generator's instructions.

2) Transporters Without Generator-Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subsection (a)(3), and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter must contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if the condition of subsection (b)(2)(C) is true and the condition~~conditions~~ of either subsection~~subsections~~ (b)(2)(A)~~ and (b)(2)(C)~~ or ~~subsections~~ (b)(2)(B) is also~~and (b)(2)(C) are~~ true:

A) The hazardous waste is not delivered in accordance with subsection (a)(3) because of an emergency condition.

B) The current transporter proposes to change the transporters designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

C) The generator authorizes the revision.

3) Transporters with Generator-Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subsection (a)(3), and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporters designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that all of the following conditions are true:

A) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;

B) The transporter enters, in Item 14 of each manifest for which such a change is made, the following statement of its generator-agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional

transporters on generator's behalf"; and

C) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

4) Generator Liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under subsection (b)(3) does not affect the generator's liability or responsibility for complying with any applicable requirement under 35 Ill. Adm. Code, or grant any additional authority to the transporter to act on behalf of the generator.

c) If hazardous waste is rejected by the designated facility while the transporter is on the premises of the designated facility, then the transporter must obtain the following, as appropriate:

1) For a partial load rejection or for regulated quantities of container residues: a copy of the original manifest that includes the facility's date and signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with Section 723.122 and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

2) For a full load rejection that will be taken back by the transporter: a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and USEPA identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with Section 723.122 and give a copy of the

manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

(Source: Amended at 44 Ill. Reg. 15331, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 724

3)

Section Numbers:	Adopted Actions:
724.101	Amendment
724.171	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9654; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have

substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 724 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 723, 725, 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 724 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

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

PART 724
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101 Purpose, Scope, and Applicability
724.103 Relationship to Interim Status Standards
724.104 Electronic Reporting

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 USEPA Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space

724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan
724.155 Emergency Coordinator
724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention, and Disposition of Records
724.175 Annual Facility Activities Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section
724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program

724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section
724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed for Closure
724.214 Disposal or Decontamination of Equipment, Structures, and Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-Closure Care and Use of Property
724.218 Post-Closure Care Plan; Amendment of Plan
724.219 Post-Closure Notices
724.220 Certification of Completion of Post-Closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
724.240 Applicability
724.241 Definitions of Terms as Used in This Subpart
724.242 Cost Estimate for Closure
724.243 Financial Assurance for Closure
724.244 Cost Estimate for Post-Closure Care
724.245 Financial Assurance for Post-Closure Care
724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care
724.247 Liability Requirements
724.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
724.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
724.270 Applicability
724.271 Condition of Containers
724.272 Compatibility of Waste with Container
724.273 Management of Containers

724.274 Inspections
724.275 Containment
724.276 Special Requirements for Ignitable or Reactive Waste
724.277 Special Requirements for Incompatible Wastes
724.278 Closure
724.279 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section
724.290 Applicability
724.291 Assessment of Existing Tank System Integrity
724.292 Design and Installation of New Tank Systems or Components
724.293 Containment and Detection of Releases
724.294 General Operating Requirements
724.295 Inspections
724.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems
724.297 Closure and Post-Closure Care
724.298 Special Requirements for Ignitable or Reactive Waste
724.299 Special Requirements for Incompatible Wastes
724.300 Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section
724.320 Applicability
724.321 Design and Operating Requirements
724.322 Action Leakage Rate
724.323 Response Actions
724.326 Monitoring and Inspection
724.327 Emergency Repairs; Contingency Plans
724.328 Closure and Post-Closure Care
724.329 Special Requirements for Ignitable or Reactive Waste
724.330 Special Requirements for Incompatible Wastes
724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027
724.332 Air Emission Standards

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART L: WASTE PILES

Section
724.350 Applicability
724.351 Design and Operating Requirements
724.352 Action Leakage Rate
724.353 Response Action Plan
724.354 Monitoring and Inspection
724.356 Special Requirements for Ignitable or Reactive Waste
724.357 Special Requirements for Incompatible Wastes
724.358 Closure and Post-Closure Care
724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

SUBPART M: LAND TREATMENT

Section
724.370 Applicability
724.371 Treatment Program
724.372 Treatment Demonstration
724.373 Design and Operating Requirements
724.376 Food-Chain Crops
724.378 Unsaturated Zone Monitoring
724.379 Recordkeeping
724.380 Closure and Post-Closure Care
724.381 Special Requirements for Ignitable or Reactive Waste
724.382 Special Requirements for Incompatible Wastes
724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

SUBPART N: LANDFILLS

Section
724.400 Applicability
724.401 Design and Operating Requirements
724.402 Action Leakage Rate
724.403 Monitoring and Inspection
724.404 Response Actions
724.409 Surveying and Recordkeeping

724.410 Closure and Post-Closure Care
724.412 Special Requirements for Ignitable or Reactive Waste
724.413 Special Requirements for Incompatible Wastes
724.414 Special Requirements for Bulk and Containerized Liquids
724.415 Special Requirements for Containers
724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

SUBPART O: INCINERATORS

Section
724.440 Applicability
724.441 Waste Analysis
724.442 Principal Organic Hazardous Constituents (POHCs)
724.443 Performance Standards
724.444 Hazardous Waste Incinerator Permits
724.445 Operating Requirements
724.447 Monitoring and Inspections
724.451 Closure

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

Section
724.650 Applicability of Corrective Action Management Unit Regulations
724.651 Grandfathered Corrective Action Management Units
724.652 Corrective Action Management Units
724.653 Temporary Units
724.654 Staging Piles
724.655 Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills

SUBPART W: DRIP PADS

Section
724.670 Applicability
724.671 Assessment of Existing Drip Pad Integrity
724.672 Design and Installation of New Drip Pads
724.673 Design and Operating Requirements

724.674 Inspections
724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

Section
724.700 Applicability
724.701 Environmental Performance Standards
724.702 Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action
724.703 Post-Closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
724.930 Applicability
724.931 Definitions
724.932 Standards: Process Vents
724.933 Standards: Closed-Vent Systems and Control Devices
724.934 Test Methods and Procedures
724.935 Recordkeeping Requirements
724.936 Reporting Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
724.950 Applicability
724.951 Definitions
724.952 Standards: Pumps in Light Liquid Service
724.953 Standards: Compressors
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
724.955 Standards: Sampling Connecting Systems
724.956 Standards: Open-ended Valves or Lines
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service
724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors
724.959 Standards: Delay of Repair
724.960 Standards: Closed-Vent Systems and Control Devices
724.961 Alternative Percentage Standard for Valves
724.962 Skip Period Alternative for Valves
724.963 Test Methods and Procedures

724.964 Recordkeeping Requirements
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section
724.980 Applicability
724.981 Definitions
724.982 Standards: General
724.983 Waste Determination Procedures
724.984 Standards: Tanks
724.985 Standards: Surface Impoundments
724.986 Standards: Containers
724.987 Standards: Closed-Vent Systems and Control Devices
724.988 Inspection and Monitoring Requirements
724.989 Recordkeeping Requirements
724.990 Reporting Requirements
724.991 Alternative Control Requirements for Tanks (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section
724.1100 Applicability
724.1101 Design and Operating Standards
724.1102 Closure and Post-Closure Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section
724.1200 Applicability
724.1201 Design and Operating Standards
724.1202 Closure and Post-Closure Care

724.APPENDIX A Recordkeeping Instructions
724.APPENDIX B EPA Report Form and Instructions (Repealed)
724.APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
724.APPENDIX E Examples of Potentially Incompatible Waste
724.APPENDIX I Groundwater Monitoring List

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg.

601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15347, effective September 3, 2020.

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) This Part applies to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under~~pursuant to~~ the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in a RCRA permit by rule granted to such a person under~~pursuant to~~ 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act 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) This Part applies to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency under~~pursuant to~~ Section 12(g) of the ~~Environmental Protection~~ Act only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

e) This Part applies 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~~pursuant to~~ 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) This Part does not apply to the following:

1) The owner or operator of a facility permitted by the Agency under~~pursuant to~~ Section 21 of the ~~Environmental Protection~~ Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under~~pursuant to~~ this Part by 35 Ill. Adm. Code 722.114.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under~~pursuant to~~ 35 Ill. Adm. Code 807.210.

2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).

3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.

5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.

6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) 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), 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.

C) Any person that is covered by subsection (g)(8)(A) 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 adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have

USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must 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 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~~pursuant to~~ 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) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;~~ and~~

D) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

13) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as

defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

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 this Part applies to the storage of military munitions classified as solid waste under~~pursuant to~~ 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 728, and 738.

j) Subparts B, C, and D 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, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:

1) The owner or operator must obtain a USEPA identification number by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) The owner or operator 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 must keep the analysis accurate and up to date;

3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator 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) 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) 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 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 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 must remedy the problem before it leads to a human health or environmental hazard. If~~Where~~ a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;

5) The owner or operator 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 this Part, and on how to respond effectively to emergencies;

6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator 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, the owner or operator 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 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 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); and

13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12).

(Source: Amended at 44 Ill. Reg. 15347, effective September 3, 2020)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.171 Use of Manifest System

a) Receipt of Manifested Hazardous Waste

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in Section 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

E) Paper manifest submission requirements are the following:

i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must~~shall~~ be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) The owner or operator of a facility receiving hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must do the following:

A) List the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use Continuation Sheets (USEPA Form 8700–22A); and

B) Send a copy of the manifest within 30 days of delivery to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) until the facility can submit such a copy to the e-Manifest system per subsection (a)(2)(E).

b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must do the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to owners or operators that are shipping hazardous waste that they generated at that facility or operating as a large quantity generator consolidating hazardous waste from a VSQG~~very small quantity generators~~ under 35 Ill. Adm. Code 722.117(f).

d) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and competent authorities of all the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for

which the owner or operator of a facility bears no responsibility.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can

demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink

signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for Electronic Manifest Submissions

1) As prescribed in 40 CFR 264.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 264.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 264.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 264.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 264.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

l) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time ~~(i.e., any waste handler shown on the manifest or the Agency)~~.

1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2) Each correction submission must include the following information:

A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

B) The item numbers of the original manifest that is the subject of the submitted corrections; and

C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission must~~shall~~ include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter’s corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (l)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. 15347, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3)

Section Numbers:	Adopted Actions:
725.101	Amendment
725.171	Amendment
725.373	Amendment
725.981	Amendment
725.984	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9681; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

All differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

The Board added a correction requested by JCAR in Section 725.373. The correction was included in the Board's opinion and order of May 21, 2020 but was inadvertently omitted from the Notice of Proposed Amendments published on June 5, 2020. Considering that JCAR was the source of the amendment, the Board added it to the adopted amendments.

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

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 725 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 724, 726, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 725 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

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

PART 725
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.

2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23725, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15374, effective September 3, 2020.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope, and Applicability

a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.

b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste and that~~which~~ have fully complied with the requirements for interim status under~~pursuant to~~ Section 3005(e) of ~~the Resource Conservation and Recovery Act (~~RCRA~~)~~ (42 USC 6925(e)) and 35 Ill. Adm. Code 703, until either a permit is issued under~~pursuant to~~ Section 3005 of RCRA~~the Resource Conservation and Recovery Act~~ (42 USC 6905) or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under~~pursuant to~~ this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980 that have failed to provide timely notification as required by section 3010(a) of RCRA (42 USC 6930(a)) or that have failed to file Part A of the Permit Application, as required by federal 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities, except as specifically provided otherwise in this Part or in 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after the effective date of regulations under~~pursuant to~~ that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made.

c) The requirements of this Part do not apply to any of the following:

1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under~~pursuant to~~ the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.);

BOARD NOTE: This Part applies to the treatment or storage of

hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).

2) This subsection (c)(2) corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;

3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under~~pursuant to~~ subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under~~pursuant to~~ 35 Ill. Adm. Code 702 and 703 or are required by Subpart F of 35 Ill. Adm. Code 704.

4) This subsection (c)(4) corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;

5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under~~pursuant to~~ this Part by 35 Ill. Adm. Code 722.114;

6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739;

7) A generator accumulating waste on-site in compliance with applicable conditions for exemption in 35 Ill. Adm. Code 722.114 through 722.117 and Subparts K and L of 35 Ill. Adm. Code 722, except to the extent the requirements of this Part are included in those Sections and Subparts;

8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;

9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

10) 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 of 35 Ill. Adm. Code 728) or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set forth in Section 725.117(b);

11) Immediate Response

A) Except as provided in subsection (c)(11)(B), 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 a 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.

C) Any person that is covered by subsection (c)(11)(A) 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 adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must 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;

12) 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;

13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

14) 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~~pursuant to~~ 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) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

D) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106;

15) This subsection (c)(15) corresponds with 40 CFR 265.1(c)(15), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule; or

16) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

d) The following hazardous wastes must not be managed at facilities subject to regulation under~~pursuant to~~ this Part: USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, unless the following conditions are fulfilled:

1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

2) The waste is stored in tanks or containers;

3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;

4) The waste is burned in incinerators that are certified under~~pursuant to~~ the standards and procedures in Section 725.452; or

5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified under~~pursuant to~~ the standards and procedures in Section 725.483.

e) 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, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

f) 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~~pursuant to~~ 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 728, and 738.

g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section 725.171 Use of Manifest System

a) Receipt of Manifested Hazardous Waste

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date, by hand, each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in 35 Ill. Adm. Code 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

E) Paper manifest submission requirements are the following:

i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing. In lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after~~of~~ the date of delivery. Submissions of copies to the e-Manifest System must~~shall~~ be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA

will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) The owner or operator of a facility that receives hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must:

A) Additionally list the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the hazardous waste manifest (USEPA Form 8700-22), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use Continuation Sheets (USEPA Form 8700-22A); and

B) Send a copy of the manifest to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) within 30 days of delivery until the facility can submit such a copy to the e-Manifest system per subsection (a)(2)(E).

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification, and signatures), the owner or operator or its agent must do each of the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies, as defined in Section 725.172(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 owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

BOARD NOTE: 35 Ill. Adm. Code 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. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 apply to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to an owner or operator that ships hazardous waste that~~which~~ it generated at that facility or operating as an LQG consolidating hazardous waste from VSQGs under 35 Ill. Adm. Code 722.117(f).

d) As required by 40 CFR 262.84(d)(2)(O), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state

inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-

Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for e-Manifest Use

1) As prescribed in 40 CFR 265.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 265.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 265.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 265.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 265.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

l) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time.

1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the

web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2) Each correction submission must include the following information:

A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

B) The item numbers of the original manifest that is the subject of the submitted corrections; and

C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission must~~shall~~ include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (l)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

SUBPART M: LAND TREATMENT

Section 725.373 Waste Analysis

In addition to the waste analyses required by Section 725.113, before placing a hazardous waste in or on a land treatment facility, the owner or operator must do each of the following:

a) Determine the concentrations in the waste of any substances that equal or exceed the maximum concentrations contained in 35 Ill. Adm. Code 721.124 that cause a waste to exhibit the toxicity characteristic;

b) For any waste listed in Subpart D of 35 Ill. Adm. Code 721, determine the concentrations of any substances that caused the waste to be listed as a hazardous waste; and

c) If food chain crops are grown, determine the concentrations in the waste of each of the following constituents: arsenic, cadmium, lead, and mercury, unless the owner or operator has written, documented data that show that the constituent is not present.

BOARD NOTE: 35 Ill. Adm. Code 721 specifies the substances for which a waste is listed as a hazardous ~~changed "shall" to "must"~~ waste. As required by Section 725.113 the waste analysis plan must include analyses needed to comply with Sections 725.381 and 725.382. As required by Section 725.173, the owner or operator must place the results from each waste analysis, or the documented information, in the operating record of the facility.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.981 Definitions

As used in this Subpart CC, all terms not defined in this Section~~Secton herein~~ will have the meanings given to them in section 1004 of RCRA, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728.

"Average volatile organic concentration" or "average VO concentration" means

the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment that can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means that the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20 °C~~20° C~~ (1.2 inches H_2O at 68 °F~~68° F~~); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20 °C~~20° C~~ (1.2 inches H_2O at 68 °F~~68° F~~) is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart CC, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and that~~which~~ is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section 725.984(d).

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), and 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart CC, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only

when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole- fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C (77 °F)~~25° C (77° F)~~ must be included. Appendix F presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart CC. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to

either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

Section 725.984 Waste Determination Procedures

a) Determination of Volatile Organic (VO) Concentration at the Point of Waste Origination

1) An owner or operator must determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator must make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater

than the VO concentration limits specified in Section 725.983(c)(1).

2) For a waste determination that is required by subsection (a)(1), the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3), or by knowledge of the waste, as specified in subsection (a)(4).

3) Direct Measurement

A) Identification. The owner or operator must identify and record the point of waste origination for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or

process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D in appendix A to 40 CFR 60 for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/ gram-mole/m^3) at 25 °C (77 °F). At the owner's or operator's discretion, the owner or operator may adjust test data measured by

any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{m25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations

i) The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all waste

determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} \left(Q_i \times C_i \right)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw~~;~~

i = Individual waste determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i, in kg/hr

Q_T = Total mass quantity of the hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii)), in ppmw

ii) For the purpose of determining C_i, for individual waste samples analyzed in accordance with subsection (a)(3)(C), the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G).

E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C), the Agency must determine compliance based on the test method used by the owner or operator as recorded under~~pursuant to~~ Section 725.990(f)(1).

F) The quality assurance program elements required under

subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

G) VO concentrations below the limit of detection must be considered to be as follows:

i) If Reference Method 25D is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Reference Method 25D.

ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C (77 °F).

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Use of Owner or Operator Knowledge

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Reference Method 25D. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3), must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the owner or operator perform this determination using direct measurement.

The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C).

b) Determination of VO Concentration at the Point of Waste Treatment

1) An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.

2) The owner or operator must designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9).

3) Procedure for Determination of VO Concentration

A) Identification. The owner or operator must identify and record the point of waste treatment for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records.

An example of an acceptable sample collection and handling procedures for a total organic constituent concentration may be found in Reference Method 25D.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed, and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C (77° F). When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied

by the constituent-specific adjustment factor (f_{m25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8 x 10^{-6} atmospheres/gram-mole/m^3) at 25 °C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 in appendix A to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations. The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} \left(Q_i \times C_i \right)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw

i = Individual determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i, in kg/hr

Q_T = Total mass quantity of hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii)), in ppmw

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C), compliance must be determined based on the test method used by the owner or operator as recorded under~~pursuant to~~ Section 725.990(f)(1).

4) Procedure for Determination of Exit Concentration Limit (C_t)

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(4)(A), then the exit concentration limit (C_t) must be 500 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(4)(A), then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a). The exit concentration limit (C_t) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C_t = \frac{\sum_{x=1}^{m}\left(Q_x \times \overline{C}_x\right) + \sum_{y=1}^{n}\left(Q_y \times 500\,ppmw\right)}{\sum_{x=1}^{m} Q_x + \sum_{y=1}^{n} Q_y}$$

Where:

C_t = Exit concentration limit for treated hazardous waste, in ppmw

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

m = Total number of "x" hazardous waste streams treated by process

n = Total number of "y" hazardous waste streams treated by process

Q_x = Annual mass quantity of hazardous waste stream "x", in kg/yr

Q_y = Annual mass quantity of hazardous waste stream "y", in kg/yr

$\overline{C}_x$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw

5) Procedure for Determination of Organic Reduction Efficiency (R)

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator must prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous

waste stream identified in subsection (b)(5)(B), using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q_b) and the mass quantity of each hazardous waste stream exiting the process (Q_a) must be determined; and

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C_b) during the run must be determined in accordance with the requirements of subsection (a)(3). The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C_a) during the run must be determined in accordance with the requirements of subsection (b)(3).

D) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must be calculated by using the results determined in accordance with subsection (b)(5)(C) and the following equations:

$$E_b = \frac{1}{10^6} \sum_{j=1}^{m} \left(Q_{bj} \times \overline{C_{bj}} \right)$$

$$E_a = \frac{1}{10^6} \sum_{j=1}^{m} \left(Q_{aj} \times \overline{C_{aj}} \right)$$

Where:

E_a = Waste volatile organic mass flow exiting the process, in kg/hr
E_b = Waste volatile organic mass flow entering the process, in kg/hr
m = Total number of runs (at least 3);
j = Individual run "j"
Q_{bj} = Mass quantity of hazardous waste entering the process during run "j", in kg/hr

Q_{aj} = Average mass quantity of waste exiting the process during run "j", in kg/hr

$\overline{C_{aj}}$ = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection (b)(3), in ppmw

$\overline{C_{bj}}$ = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (a)(3), in ppmw

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) and the following equation:

$$R = \frac{E_b - E_a}{E_b} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent

E_b = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

E_a = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

6) Procedure for Determination of Organic Biodegradation Efficiency (R_{bio})

A) The fraction of organics biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

B) The organic biodegradation efficiency (R_{bio}) must be calculated by using the following equation:

$$R_{bio} = F_{bio} \times 100\%$$

Where:

R_{bio} = Organic biodegradation efficiency, in percent
F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A)

7) Procedure for Determination of Required Organic Mass Removal Rate (RMR)

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a).

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^{n} \left[V_y \times k_y \times \frac{\left(\overline{C}_y - 500\,ppmw\right)}{10^6} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr;

y	=	Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)
n	=	Total number of "y" hazardous waste streams treated by process
V_y	=	Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m^3/hr
k_y	=	Density of hazardous waste stream "y", in kg/m^3
$\overline{C}_y$	=	Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw

8) Procedure for Determination of Actual Organic Mass Removal Rate (MR)

A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must be determined in accordance with the requirements of subsection (b)(5)(D).

C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) and the following equation:

$$MR = E_b - E_a$$

Where:

MR	=	Actual organic mass removal rate, in kg/hr
E_b	=	Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

E_a = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

9) Procedure for Determination of Actual Organic Mass Biodegradation Rate (MR_{bio})

A) The actual organic mass biodegradation rate (MR_{bio}) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste organic mass flow entering the process (E_b) must be determined in accordance with the requirements of subsection (b)(5)(D).

C) The fraction of organic biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

D) The actual organic mass biodegradation rate (MR_{bio}) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C), respectively, and the following equation:

$$MR_{bio} = E_b \times F_{bio}$$

Where:

MR_{bio} = Actual organic mass biodegradation rate, in kg/hr

E_b = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C)

c) Procedure for Determination of VO in a Tank

1) An owner or operator must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).

2) An owner or operator must use either direct measurement, as specified in subsection (c)(3), or knowledge of the waste, as specified by subsection (c)(4), to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) Direct Measurement to Determine VO

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

ii) Methods described in API publication 2517 (Evaporative Loss from External Floating-Roof Tanks), incorporated by

reference in 35 Ill. Adm. Code 720.111(a);

iii) Methods obtained from standard reference texts;

iv) ASTM Method D 2879-92 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or

v) Any other method approved by the Agency.

4) Use of Knowledge to Determine the Maximum Organic Vapor Pressure of the Hazardous Waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC is as follows:

1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) of appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in Section 3.1.2(a) of Reference Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

5) Calibration gases must be as follows:

A) Zero air (less than 10 ppmv hydrocarbon in air), and

B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6) The background level must be determined according to the procedures in Reference Method 21.

7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the

comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

2) Code Citation: 35 Ill. Adm. Code 726

3)

Section Numbers:	Adopted Actions:
726.180	Amendment
726.202	Amendment
726.305	Amendment
726.600	New Section
726.601	New Section
726.602	New Section
726.603	New Section
726.604	New Section
726.605	New Section
726.606	New Section
726.607	New Section
726.608	New Section
726.609	New Section
726.610	New Section

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9732; June 5, 2020

10) Has JCAR issued a Statement of Objection to these rules? No. 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate

USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 726 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 725, 728, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the Illinois Register summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 726 incorporate segments of USEPA's Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

100 W. Randolph Suite 11-500
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michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

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

PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART A: GENERAL

Section
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Section
726.120 Applicability
726.121 Standards Applicable to Generators and Transporters of Materials Used in a Manner that Constitutes Disposal
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials that Are To Be Used in a manner that Constitutes Disposal
726.123 Standards Applicable to Users of Materials that Are Used in a Manner that Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section
726.140 Applicability (Repealed)
726.141 Prohibitions (Repealed)
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)
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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11955, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23023, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15427, effective September 3, 2020.

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section 726.180 Applicability and Requirements

a) Extent of Exemption for Spent Lead-Acid Batteries from Hazardous Waste Management Requirements. If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous waste management requirements. Subsections (a)(1) though (a)(5) indicate which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the "Universal Waste" rule in 35 Ill. Adm. Code 733.

1) If the spent lead-acid batteries will be reclaimed through regeneration (such as by electrolyte replacement), the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, 722 through 726 (except for 35 Ill. Adm. Code 722.111), and 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111.

2) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator generates, collects, or transports the batteries, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

3) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries, but the owner or operator is not the reclaimer, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

4) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries before the owner or operator reclaims them, the owner or operator must comply with the requirements of Section 726.180(b) and other requirements described in that subsection, and the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

5) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator does not store the batteries before the owner or operator reclaims them, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), and the owner or operator is

subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

6) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, and the batteries are exported for reclamation in a foreign country, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111, 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC 6930). The owner or operator is subject to the requirements of 35 Ill. Adm. Code 721, 722.111, and 722.112 and Subpart H of 35 Ill. Adm. Code 722.

7) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, the person that transports the batteries in the United States to export them for reclamation in a foreign country (the transporter) is exempt from 35 Ill. Adm. Code 702, 703, 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC 6930). The transporter must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 722.

8) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them but is not the reclaimer, the person is exempt from 35 Ill. Adm. Code 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 702, 703, 723, 724, 725, and 726, and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

9) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them before reclaiming them, the person must comply with 35 Ill. Adm. Code 726.180(b) and as appropriate other regulatory provisions described in 35 Ill. Adm. Code 726.180(b). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

10) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country does not store them before reclaiming ~~reclaiming~~ them, the person is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723, 724, 725, and 726 and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

b) Exemption for Spent Lead-Acid Batteries Stored before Reclamation Other Than Through Regeneration. The requirements of this subsection (b) apply to an owner or operator that stores spent lead-acid batteries before it reclaims them, if~~where~~ the owner or operator does not reclaim them through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status.

1) For an interim status facility, the owner or operator must comply with the following requirements:

A) The notification requirements under Section 3010 of RCRA (42 USC 6930);

B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 725;

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.113 (waste analysis);

D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 725;

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies);

F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 725;

G) All applicable provisions in 35 Ill. Adm. Code 702 and 703; and

H) All applicable provisions in 35 Ill. Adm. Code 727.

2) For a permitted facility, the following requirements:

A) The notification requirements under section 3010 of RCRA (42 USC 6930);

B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 724;

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.113 (waste analysis);

D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 724;

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies);

F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 724;

G) All applicable provisions in 35 Ill. Adm. Code 702 and 703; and

H) All applicable provisions in 35 Ill. Adm. Code 727.

(Source: Amended at 44 Ill. Reg. 15427, effective September 3, 2020)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section 726.202 Permit Standards for Burners

a) Applicability

1) General. An owner or operator of a BIF that burns hazardous waste and that~~which~~ does not operate under interim status must comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232,

unless exempt under~~pursuant to~~ the small quantity burner exemption of Section 726.208.

2) Applicability of 35 Ill. Adm. Code 724 Standards. An owner or operator of a BIF that burns hazardous waste is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:

A) In Subpart A (General), 35 Ill. Adm. Code 724.104;

B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;

C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;

D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;

E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;

F) In Subpart F (Releases from Solid Waste Management Units), 35 Ill. Adm. Code 724.190 and 724.201;

G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;

H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243, and 724.247 through 724.251, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 724; and

I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).

b) Hazardous Waste Analysis

1) The owner or operator must provide an analysis of the hazardous waste

that quantifies the concentration of any constituent identified in Appendix H of 35 Ill. Adm. Code 721 that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by using appropriate analytical methods. The constituents listed in Appendix H of 35 Ill. Adm. Code 721 that are excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart H and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as are necessary to adequately protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart H, as a portion of the trial burn plan that may be submitted before the Part B application under~~pursuant to~~ provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis required by the Agency. The owner or operator of a BIF not operating under the interim status standards must provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.

2) Throughout normal operation, the owner or operator must conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels, and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.

c) Emissions Standards. An owner or operator must comply with emissions standards provided by Sections 726.204 through 726.207.

d) Permits

1) The owner or operator must burn only hazardous wastes specified in the facility permit and only under the operating conditions specified under~~pursuant to~~ subsection (e), except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.

2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application under~~pursuant to~~ 35 Ill. Adm. Code 703.208.

3) BIFs operating under the interim status standards of Section 726.203 are permitted under~~pursuant to~~ procedures provided by 35 Ill. Adm. Code 703.232(g).

4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e), in order to comply with the following standards:

A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;

C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results,

the operating requirements must be those most likely to ensure compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.

D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

e) Operating Requirements

1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.

2) Requirements to Ensure Compliance with the Organic Emissions Standards

A) DRE (destruction or removal efficiency) Standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a), or as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived under~~pursuant to~~ Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:

i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6);

ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls of the hazardous waste firing system;

iv) Allowable variation in BIF system design or operating procedures;

v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured, and specified as prescribed in subsection (e)(6);

vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6), unless documentation is provided under~~pursuant to~~ 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and

vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.

B) CO and Hydrocarbon (HC) Standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:

i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;

ii) When complying with the alternative CO standard under~~pursuant to~~ Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); or

iii) When complying with the alternative HC limit for industrial furnaces under~~pursuant to~~ Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.

C) Start-Up and Shut-Down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements under~~pursuant to~~ Sections 726.204(a)(5), 726.205, 726.206, and 726.207) must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.

3) Requirements to Ensure Conformance with the Particulate Matter (PM) Standard

A) Except as provided in subsections (e)(3)(B) and (e)(3)(C), the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:

i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6);

ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);

iv) Allowable variation in BIF system design including any APCS or operating procedures; and

v) Such other operating requirements as are necessary to

ensure that the PM standard in Section 726.205(a) is met.

B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard under~~pursuant to~~ Section 726.205(b);

C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.

4) Requirements to Ensure Conformance with the Metals Emissions Standard

A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:

i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified under~~pursuant to~~ provisions of subsection (e)(6);

ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II metals emission rate screening limits under~~pursuant to~~ Section 726.206(c) and the Tier III metals controls under~~pursuant to~~ Section 726.206(d), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams,

measured and specified as prescribed in subsections (e)(6): total feed streams; total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(ii)(C)(*1*) and (e)(4)(ii)(C)(*2*) into this subsection (e)(4)(B)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards under~~pursuant to~~ Section 726.206(c) or (d) are met.

C) For conformance with an alternative implementation approach approved by the Agency under~~pursuant to~~ Section 726.206(f), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the

average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6): total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(iii)(C)(*1*) and (e)(4)(iii)(C)(*2*) into this subsection (e)(4)(C)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards under~~pursuant to~~ Section

726.206(c) or (d) are met.

5) Requirements to Ensure Conformance with the HCl and Chlorine Gas Standards

A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:

i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6);

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits under~~pursuant to~~ Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls under~~pursuant to~~ Section 726.207(c), the permit must specify the following operating requirements:

i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6);

iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6);

iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

vi) Allowable variation in BIF system design including any APCS or operating procedures; and

vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards under~~pursuant to~~ Section 726.207(b)(2) or (c) are met.

6) Measuring Parameters and Establishing Limits Based on Trial Burn Data

A) General Requirements. As specified in subsections (e)(2) through (e)(5), each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:

i) Instantaneous Limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or

ii) Hourly Rolling Average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The permit limit for the parameter must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(6)(i)(B)(*1*) and (e)(6)(i)(B)(*2*) into this subsection (e)(6)(A)(ii) and moved the text of 40 CFR 266.102(e)(6)(i)(B)(*1*)(*i*) and (e)(6)(i)(B)(*1*)(*ii*) to appear as definitions of "continuous monitor" and "hourly rolling average", respectively, in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

B) Rolling Average Limits for Carcinogenic Metals and Lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A), or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:

i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;

ii) The continuous monitor must meet the specifications of "continuous monitor", "rolling average for the selected averaging period", and "one hour block average" as defined in Section 726.200(i); and

BOARD NOTE: The Board has moved the text of 40 CFR 266.102(e)(6)(ii)(B)(*1*) and (e)(6)(ii)(B)(*2*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

C) Feed Rate Limits for Metals, Total Chlorine and Chloride, and Ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under~~pursuant to~~ the continuous monitoring requirements of subsections (e)(6)(A) and (e)(6)(B).

D) Conducting~~Conduct of~~ Trial Burn Testing~~.~~

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under~~pursuant to~~ this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals under~~pursuant to~~ Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

7) General Requirements

A) Fugitive Emissions. Fugitive emissions must be controlled in one of the following ways:

i) By keeping the combustion zone totally sealed against fugitive emissions;

ii) By maintaining the combustion zone pressure lower than atmospheric pressure; or

iii) By an alternative means of control demonstrated (with Part

B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

B) Automatic Waste Feed Cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established underpursuant to this Section. In addition, the following requirements apply:

i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;

ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and

iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency must establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

C) Changes. A BIF must cease burning hazardous waste when combustion properties or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

8) Monitoring and Inspections

A) The owner or operator must monitor and record the following, at a

minimum, while burning hazardous waste:

i) If specified by the permit, feed rates and composition of hazardous waste, other fuels, and industrial furnace feedstocks and feed rates of ash, metals, and total chlorine and chloride;

ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B). CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I; and

iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.

C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.

9) Direct Transfer to the Burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator must comply with Section 726.211.

10) Recordkeeping. The owner or operator must maintain in the operating record of the facility all information and data required by this Section for five years.

11) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the BIF.

(Source: Amended at 44 Ill. Reg. 15427, effective September 3, 2020)

SUBPART M: MILITARY MUNITIONS

Section 726.305 Standards Applicable to the Storage of Solid Waste Military Munitions

a) Criteria for Hazardous Waste Regulation of Waste Non-Chemical Military Munitions in Storage

1) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste under~~pursuant to~~ 35 Ill. Adm. Code 721 are listed or identified as a hazardous waste (and thus are subject to regulation under~~pursuant to~~ 35 Ill. Adm. Code 702, 703, 705, 720 through 728, 733, 738, and 739), unless all the following conditions are met:

A) The waste military munitions are not chemical agents or chemical munitions;

B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB);

C) The waste military munitions must be stored in accordance with

the DDESB storage standards applicable to waste military munitions;

D) Within 90 days of when a storage unit is first used to store waste military munitions, the owner or operator must notify the Agency of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in subsection (a)(1) is claimed;

E) The owner or operator must provide oral notice to the Agency within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of subsection (a)(1) that may endanger health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of subsection (a)(1);

F) The owner or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of subsection (a)(1), and must maintain records of the findings of these inventories and inspections for at least three years; and

G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

2) The conditional exemption in subsection (a)(1) from regulation as hazardous waste must apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

3) The conditional exemption in subsection (a)(1) applies only so long as all of the conditions in subsection (a)(1) are met.

b) Notice of Termination of Waste Storage. The owner or operator must notify the Agency when a storage unit identified in subsection (a)(1)(D) will no longer be

used to store waste military munitions.

c) Reinstatement of Conditional Exemption

1) If any waste military munition loses its conditional exemption under~~pursuant to~~ subsection (a)(1), an application may be filed with the Agency for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1).

2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it must reinstate the conditional exemption of subsection (a)(1) in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption must be based on two considerations~~considertions~~: first, the nature of the risks to human health and the environment posed by the waste; and second, either the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation or any demonstration that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the conditional exemption under~~pursuant to~~ subsection (a)(1), the Agency may specify additional conditions as are necessary to ensure and document proper storage to adequately protect human health and the environment.

3) The Agency may terminate a conditional exemption reinstated by default under~~pursuant to~~ subsection (c)(2) in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (c)(2). If the Agency terminates a reinstated exemption, it must transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.

4) The applicant under~~pursuant to~~ this subsection (c) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board under~~pursuant to~~ Section 40 of the Act.

d) Waste Chemical Munitions

1) Waste military munitions are subject to the applicable regulatory requirements of RCRA subtitle C if the munitions satisfy two conditions: first, they are chemical agents or chemical munitions; and second, they exhibit a hazardous waste characteristic or are listed as hazardous waste underpursuant to 35 Ill. Adm. Code 721.

2) Waste military munitions are not subject to the storage prohibition in RCRA section 3004(j), codified at 35 Ill. Adm. Code 728.150, if the munitions satisfy two conditions: first, they are chemical agents or chemical munitions; and second, they exhibit a hazardous waste characteristic or are listed as hazardous waste underpursuant to 35 Ill. Adm. Code 721.

e) Amendments to DDESB Storage Standards. The DDESB storage standards applicable to waste military munitions, referenced in subsection (a)(1)(C), are DESR 6055.09DDOD 6055.9-STD ("Defense ExplosivesDOD Ammunition and Explosive Safety Regulation 6055.09, Edition 1Standards"), in effect on January 13, 2019November 8, 1995, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding federal provision 40 CFR 266.205(e), as added at 62 Fed. Reg. 6656 (Feb. 12, 1997), further provides as follows: "Any amendments to the DDESB storage standards must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in paragraph (a)(1) of this section have been amended." Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Amended at 44 Ill. Reg. 15427, effective September 3, 2020)

SUBPART P: HAZARDOUS WASTE PHARMACEUTICALS

Section 726.600 Definitions

The following definitions apply to this Subpart P:

"Evaluated hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has been evaluated by a reverse distributor in accordance with Section 726.610(a)(3) and will not be sent to another reverse distributor for further evaluation or verification of manufacturer credit.

"Hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, and that exhibits one or more characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or that is listed in Subpart D of 35 Ill. Adm. Code 721. A pharmaceutical is not a solid waste, as defined in 35 Ill. Adm. Code 721.102, and therefore is not a hazardous waste pharmaceutical, if it is legitimately used or reused (e.g., lawfully donated for its intended purpose) or reclaimed. An over-the-counter pharmaceutical, dietary supplement, or homeopathic drug is not a solid waste, as defined in 35 Ill. Adm. Code 721.102, and therefore is not a hazardous waste pharmaceutical, if there is a reasonable expectation of its being legitimately used or reused (e.g., lawfully redistributed for its intended purpose) or reclaimed.

"Healthcare facility" means any person that is lawfully authorized to do the following:

Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of a human or animal or affecting the structure or function of the human or animal body; or

Distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals. This definition includes wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals. This definition does not include pharmaceutical manufacturers, reverse distributors, or reverse logistics centers.

"Household waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, but that is excluded from being a hazardous waste under 35 Ill. Adm. Code 721.104(b)(1).

"Long-term care facility" means a licensed entity that provides assistance with activities of daily living, including managing and administering pharmaceuticals, to one or more individuals at the facility. This definition includes hospice facilities, nursing facilities, skilled nursing facilities, and the nursing and skilled nursing care portions of continuing care retirement communities. Not included within the scope of this definition are group homes, independent living communities, assisted living facilities, and the independent and assisted living portions of continuing care retirement communities.

"Non-creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that does not have a reasonable expectation to be eligible for manufacturer credit or a nonprescription hazardous waste pharmaceutical that does not have a reasonable expectation to be legitimately used or reused or reclaimed. This includes investigational drugs, free samples of pharmaceuticals received by healthcare facilities, residues of pharmaceuticals remaining in empty containers, contaminated personal protective equipment, floor sweepings, and cleanup material from the spills of pharmaceuticals.

"Non-hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, and that is not listed in Subpart D of 35 Ill. Adm. Code 721, and that does not exhibit a characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"Non-pharmaceutical hazardous waste" means a solid waste, as defined in 35 Ill. Adm. Code 721, and that is listed in Subpart D of 35 Ill. Adm. Code 721, exhibits one or more characteristics identified in Subpart C of 35 Ill. Adm. Code 721, but that is not a pharmaceutical, as defined in this Section.

"Pharmaceutical" means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes dietary supplements, as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 USC 321(ff)), incorporated by

reference in 35 Ill. Adm. Code 720.111; prescription drugs, as defined in 21 CFR 203.3(y), incorporated by reference in 35 Ill. Adm. Code 720.111; over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in nonempty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. This definition does not include dental amalgam or sharps.

"Potentially creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has a reasonable expectation to receive manufacturer credit and of which the following is true:

It is in original manufacturer packaging (except pharmaceuticals that were subject to a recall);

It is undispensed; and

It is unexpired or less than one year past its expiration date. The term does not include evaluated hazardous waste pharmaceuticals or nonprescription pharmaceuticals, including over-the-counter drugs, homeopathic drugs, and dietary supplements.

"Reverse distributor" means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.601 Applicability

a) A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to 35 Ill. Adm. Code 722.114 and is not subject to this Subpart P, except for Sections 726.605 and 726.607 and the optional provisions of Section 726.604.

b) A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, has the option of complying with Section 726.601(d) for the management of its hazardous waste pharmaceuticals as an alternative to complying with 35 Ill. Adm. Code 722.114 and the optional provisions of Section 726.604.

c) A healthcare facility or reverse distributor remains subject to all applicable requirements in 35 Ill. Adm. Code 722 through 725 with respect to the management of its non-pharmaceutical hazardous waste.

d) With the exception of healthcare facilities identified in subsection (a), a healthcare facility is subject to the following in lieu of 35 Ill. Adm. Code 722 through 725:

1) Sections 726.602 and 726.605 through 726.608 with respect to the management of the following:

A) Non-creditable hazardous waste pharmaceuticals; and

B) Potentially creditable hazardous waste pharmaceuticals if they are not destined for a reverse distributor.

2) Sections 726.602(a), 726.603, 726.605 through 726.607, and 726.609 with respect to the management of potentially creditable hazardous waste pharmaceuticals that are prescription pharmaceuticals and that are destined for a reverse distributor.

e) A reverse distributor is subject to Sections 726.605 through 726.610, in lieu of 35 Ill. Adm. Code 722 through 725, with respect to the management of hazardous waste pharmaceuticals.

f) Hazardous waste pharmaceuticals generated or managed by entities other than healthcare facilities and reverse distributors (e.g., pharmaceutical manufacturers and reverse logistics centers) are not subject to this Subpart P. Other generators are subject to 35 Ill. Adm. Code 722 for the generation and accumulation of hazardous wastes, including hazardous waste pharmaceuticals.

g) The following are not subject to 35 Ill. Adm. Code 720 through 733, except as otherwise specified:

1) Pharmaceuticals that are not solid waste, as defined by 35 Ill. Adm. Code 721.102, because they are legitimately used or reused (e.g., lawfully donated for their intended purpose) or reclaimed.

2) Over-the-counter pharmaceuticals, dietary supplements, or homeopathic drugs that are not solid wastes, as defined by 35 Ill. Adm. Code 721.102, because there is a reasonable expectation of their being legitimately used or reused (e.g., lawfully redistributed for their intended purpose) or reclaimed.

3) Pharmaceuticals being managed in accordance with a recall strategy that has been approved by the Food and Drug Administration in accordance with subpart C of 21 CFR 7. This Subpart P applies to the management of the recalled hazardous waste pharmaceuticals after the Food and Drug Administration approves the destruction of the recalled items.

4) Pharmaceuticals being managed in accordance with a recall corrective action plan that has been accepted by the Consumer Product Safety Commission in accordance with 16 CFR 1115. This Subpart P applies to the management of the recalled hazardous waste pharmaceuticals after the Consumer Product Safety Commission approves the destruction of the recalled items.

5) Pharmaceuticals stored according to a preservation order or during an investigation or judicial proceeding, until after the preservation order, investigation, or judicial proceeding has concluded or a decision is made to discard the pharmaceuticals.

6) Investigational new drugs for which an investigational new drug application is in effect in accordance with the Food and Drug Administration's regulations in 21 CFR 312. This Subpart P applies to the management of the investigational new drug after the decision is made to discard the investigational new drug or the Food and Drug Administration approves the destruction of the investigational new drug, if the investigational new drug is a hazardous waste.

7) Household waste pharmaceuticals, including those that have been collected by a "collector", as defined in 21 CFR 1300.01, incorporated by

reference in 35 Ill. Adm. Code 720.111, provided the authorized collector complies with the conditional exemption in Section 726.606(a)(2) and (b).

BOARD NOTE: The Drug Enforcement Administration regulations define "collector" in the second segment of the definition of "collection" in 21 CFR 1300.01. The authorized status of the collector is part of the definition.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.602 Standards for Non-Creditable Hazardous Waste Pharmaceuticals

a) Notification and Withdrawal from this Subpart P for Healthcare Facilities Managing Hazardous Waste Pharmaceuticals

1) Notification. A healthcare facility must notify the Agency, using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), that it is a healthcare facility operating under this Subpart P. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of the Site Identification Form with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (using the Site Identification Form) for each site or USEPA identification number.

A) A healthcare facility that already has a USEPA identification number must notify the Agency, using USEPA Form 8700-12, that it is a healthcare facility as part of its next annual report, if it is required to submit one; or, if not required to submit an annual report, within 60 days after becoming subject to this Subpart P.

B) A healthcare facility that does not have a USEPA identification number must obtain one by notifying the Agency, using USEPA Form 8700-12, that it is a healthcare facility as part of its next annual report, if it is required to submit one; or if not required to submit an annual report, within 60 days after becoming subject to this Subpart P.

C) A healthcare facility must keep a copy of its notification on file for as long as the healthcare facility is subject to this Subpart P.

BOARD NOTE: Corresponding 40 CFR 266.602(a)(1) requires biennial reporting. The Board has required annual reporting, since Section 20.1 of the Act requires the Agency to assemble annual reports, and only annual facility activity reports will enable the Agency to fulfill this mandate.

2) Withdrawal. A healthcare facility that operated under this Subpart P but is no longer subject to this Subpart P, because it is a VSQG under 35 Ill. Adm. Code 722.114, and that elects to withdraw from this Subpart P, must notify the appropriate agency using USEPA Form 8700-12 that it is no longer operating under this Subpart P. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of USEPA Form 8700-12 with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number.

A) A healthcare facility must submit USEPA Form 8700-12 notifying that it is withdrawing from this Subpart P before it begins operating under the conditional exemption of 35 Ill. Adm. Code 722.114.

B) A healthcare facility must keep a copy of its withdrawal on file for three years after the date of signature on the notification of its withdrawal.

b) Training of Personnel Managing Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must ensure that all personnel managing non-creditable hazardous waste pharmaceuticals are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

c) Hazardous Waste Determination for Non-Creditable Pharmaceuticals. A healthcare facility that generates a solid waste that is a non-creditable pharmaceutical must determine whether that pharmaceutical is a hazardous waste pharmaceutical (i.e., it exhibits a characteristic identified in Subpart D of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721) in order to determine whether the waste is subject to this Subpart P. A healthcare facility

may choose to manage its non-hazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals under this Subpart P.

d) Standards for Containers Used to Accumulate Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities

1) A healthcare facility must place non-creditable hazardous waste pharmaceuticals in a container that is structurally sound, compatible with its contents, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A healthcare facility that manages ignitable or reactive non-creditable hazardous waste pharmaceuticals, or that mixes or commingles incompatible non-creditable hazardous waste pharmaceuticals, must manage the container so that it does not have the potential to do any of the following:

A) Generate extreme heat or pressure, fire or explosion, or violent reaction;

B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

D) Damage the structural integrity of the container of non-creditable hazardous waste pharmaceuticals; or

E) Through other like means threaten human health or the environment.

3) A healthcare facility must keep containers of non-creditable hazardous waste pharmaceuticals closed and secured in a manner that prevents unauthorized access to their contents.

4) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals and nonhazardous non-creditable waste pharmaceuticals in the same container, except that the healthcare facility must accumulate

non-creditable hazardous waste pharmaceuticals prohibited from being combusted because of the dilution prohibition of 35 Ill. Adm. Code 728.103(c) in separate containers and label the containers with all applicable USEPA hazardous waste numbers.

e) Labeling Containers Used to Accumulate Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must label or clearly mark each container of non-creditable hazardous waste pharmaceuticals with the phrase "Hazardous Waste Pharmaceuticals".

f) Maximum Accumulation Time for Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities

1) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals on site for one year or less without a permit or having interim status.

2) A healthcare facility that accumulates non-creditable hazardous waste pharmaceuticals on-site must demonstrate the length of time that the facility has accumulated the non-creditable hazardous waste pharmaceuticals, starting from the date it first becomes a waste. A healthcare facility may make this demonstration by any of the following methods:

A) Marking or labeling the container of non-creditable hazardous waste pharmaceuticals with the date when the non-creditable hazardous waste pharmaceuticals became a waste;

B) Maintaining an inventory system that identifies the date when the accumulated non-creditable hazardous waste pharmaceuticals first became a waste;

C) Placing the non-creditable hazardous waste pharmaceuticals in a specific area and identifying the earliest date when any of the non-creditable hazardous waste pharmaceuticals in the area became a waste.

g) Land Disposal Restrictions for Non-Creditable Hazardous Waste Pharmaceuticals. The non-creditable hazardous waste pharmaceuticals generated

by a healthcare facility are subject to the land disposal restrictions of 35 Ill. Adm. Code 728. A healthcare facility that generates non-creditable hazardous waste pharmaceuticals must comply with the land disposal restrictions in accordance with 35 Ill. Adm. Code 728.107(a) requirements, except that it is not required to identify the USEPA hazardous waste numbers on the land disposal restrictions notification.

h) Procedures for Healthcare Facilities for Managing Rejected Shipments of Non-Creditable Hazardous Waste Pharmaceuticals. A healthcare facility that sends a shipment of non-creditable hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and that later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172, may accumulate the returned non-creditable hazardous waste pharmaceuticals on-site for up to an additional 90 days provided the rejected or returned shipment is managed in accordance with subsections (d) and (e). Upon receipt of the returned shipment, the healthcare facility must do the following:

1) Sign the applicable of the following:

A) Item 18c (Signature of Alternate Facility (or Generator)) of the original manifest, if the original manifest was used for the returned shipment; or

B) Item 20 (Designated Facility Owner or Operator. Certification of hazardous materials covered by the manifest except as noted in Item 18a) of the new manifest, if a new manifest was used for the returned shipment;

2) Provide the transporter a copy of the manifest;

3) Within 30 days after receipt of the rejected shipment, send a copy of the manifest to the designated facility that returned the shipment to the healthcare facility; and

4) Within 90 days after receipt of the rejected shipment, transport or offer for transport the returned shipment in accordance with the shipping standards of Section 726.608(a).

i) Reporting by Healthcare Facilities for Non-Creditable Hazardous Waste Pharmaceuticals

1) Biennial Reporting by Healthcare Facilities. Healthcare facilities are not subject to annual reporting requirements under 35 Ill. Adm. Code 722.141, with respect to non-creditable hazardous waste pharmaceuticals managed under this Subpart P.

2) Exception Reporting by Healthcare Facilities for a Missing Copy of the Manifest

A) For Shipments from a Healthcare Facility to a Designated Facility. If a healthcare facility does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days after the date when the initial transporter accepted the non-creditable hazardous waste pharmaceuticals, the healthcare facility must submit the following:

i) A legible copy of the original manifest to the Agency, indicating that the healthcare facility has not received confirmation of delivery; and

ii) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

B) For Shipments Rejected by the Designated Facility and Shipped to an Alternate Facility. If a healthcare facility does not receive a copy of the manifest for a rejected shipment of the non-creditable hazardous waste pharmaceuticals that is forwarded by the designated facility to an alternate facility (using appropriate manifest procedures), with the signature of the owner or operator of the alternate facility, within 60 days after the date when the initial transporter forwarding the shipment of non-creditable hazardous waste pharmaceuticals from the designated facility to the alternate facility accepted the non-creditable hazardous waste, the healthcare facility must submit the following:

i) A legible copy of the original manifest to the Agency, indicating that the healthcare facility has not received confirmation of delivery; and

ii) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

3) Additional Reports. The Agency may, in writing, require a healthcare facility to furnish additional reports concerning the quantities and disposition of non-creditable hazardous waste pharmaceuticals.

j) Recordkeeping by Healthcare Facilities for Non-Creditable Hazardous Waste Pharmaceuticals

1) A healthcare facility must keep a copy of each manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years or until it receives a signed copy from the designated facility that received the non-creditable hazardous waste pharmaceuticals. The healthcare facility must retain this signed copy as a record for at least three years after the date when the initial transporter accepted the waste.

2) A healthcare facility must keep a copy of each exception report for a period of at least three years after the date of the report.

3) A healthcare facility must keep records of any test results, waste analyses, or other determinations made to support its hazardous waste determinations consistent with 35 Ill. Adm. Code 722.111(f), for at least three years after the date the waste was last sent to onsite or off-site treatment, storage, or disposal. A healthcare facility that manages all of its non-creditable nonhazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals is not required to keep documentation of its hazardous waste determinations.

4) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

5) A healthcare facility must make all records readily available upon request by a USEPA or Agency inspector.

k) Response to Spills of Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must immediately contain all spills of non-creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in accordance with the requirements of this Subpart P.

l) Accepting Non-Creditable Hazardous Waste Pharmaceuticals from an Off-Site Healthcare Facility That Is a VSQG. A healthcare facility may accept non-creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG under 35 Ill. Adm. Code 722.114, without a permit or without having interim status, provided the receiving healthcare facility fulfills the following conditions:

1) The receiving healthcare facility is under the control of the same person (as defined in 35 Ill. Adm. Code 720.110) as the VSQG healthcare facility sending the non-creditable hazardous waste pharmaceuticals off-site or has a contractual or other documented business relationship whereby the receiving healthcare facility supplies pharmaceuticals to the VSQG healthcare facility. ("Control", for the purposes of this subsection (l)(1), means the power to direct the policies of the healthcare facility, whether by the ownership of stock, voting rights, or otherwise. A contractor that operates a healthcare facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, does not "control" a healthcare facility);

2) The receiving healthcare facility is operating under this Subpart P for the management of its non-creditable hazardous waste pharmaceuticals;

3) The receiving healthcare facility manages the non-creditable hazardous waste pharmaceuticals that it receives from off site in compliance with this Subpart P; and

4) The receiving healthcare facility keeps records of the non-creditable hazardous waste pharmaceuticals shipments it receives from off site for three years after the date when it received the shipment.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.603 Standards for Potentially Creditable Hazardous Waste Pharmaceuticals

a) Hazardous Waste Determination for Potentially Creditable Pharmaceuticals. A healthcare facility that generates a solid waste that is a potentially creditable pharmaceutical must determine whether the potentially creditable pharmaceutical is a potentially creditable hazardous waste pharmaceutical (i.e., it is a listed hazardous waste in Subpart D of 35 Ill. Adm. Code 721 or exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721). A healthcare facility may choose to manage its potentially creditable non-hazardous waste pharmaceuticals as potentially creditable hazardous waste pharmaceuticals under this Subpart P.

b) Accepting Potentially Creditable Hazardous Waste Pharmaceuticals from an Off-Site Healthcare Facility That Is a VSQG. A healthcare facility may accept potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG under 35 Ill. Adm. Code 722.114 without a permit or interim status, provided the receiving healthcare facility fulfills the following conditions:

1) The receiving healthcare facility is under the control of the same person (as defined in 35 Ill. Adm. Code 720.110) as the VSQG healthcare facility sending the potentially creditable hazardous waste pharmaceuticals off site, or the sending healthcare facility has a contractual or other documented business relationship in which the receiving healthcare facility supplies pharmaceuticals to the VSQG healthcare facility;

2) The receiving healthcare facility is operating under this Subpart P for the management of its potentially creditable hazardous waste pharmaceuticals;

3) The receiving healthcare facility manages the potentially creditable hazardous waste pharmaceuticals that it receives from off site in compliance with this Subpart P; and

4) The receiving healthcare facility keeps records of the potentially creditable hazardous waste pharmaceuticals shipments it receives from off site for three years from the date that the shipment is received.

c) Prohibition. A healthcare facility is prohibited from sending hazardous wastes other than potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

d) Annual Reporting by Healthcare Facilities. A healthcare facility is not subject to annual reporting requirements under 35 Ill. Adm. Code 722.141 with respect to potentially creditable hazardous waste pharmaceuticals managed under this Subpart P.

e) Recordkeeping by Healthcare Facilities

1) A healthcare facility initiating a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor must keep the following records (paper or electronic) for each shipment for three years after the date of shipment:

A) The confirmation of delivery; and

B) The shipping papers prepared in accordance with subpart C of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111, if applicable.

2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

3) All records must be readily available upon request by a USEPA or Agency inspector.

f) Response to Spills of Potentially Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must immediately contain all spills of potentially creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in accordance with this Subpart P.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.604 Very Small Quantity Generators

a) Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

b) Off-Site Collection of Hazardous Waste Pharmaceuticals Generated by a Healthcare Facility That Is a VSQG. A healthcare facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its hazardous waste pharmaceuticals off-site to another healthcare facility, provided either of the following is true:

1) The receiving healthcare facility meets the conditions in Sections 726.602(l) and 726.603(b), as applicable; or

2) The VSQG healthcare facility meets the conditions in 35 Ill. Adm. Code 722.114(a)(5)(H) and the receiving LQG meets the conditions in 35 Ill. Adm. Code 722.117(f).

c) Long-Term Care Facilities That Are VSQGs. A long-term care facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may dispose of its hazardous waste pharmaceuticals (excluding contaminated personal protective equipment or clean-up materials) in an on-site collection receptacle of a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, that is registered with the federal Drug Enforcement Administration (DEA) provided the contents are collected, stored, transported, destroyed, and disposed of in compliance with all applicable DEA regulations for controlled substances in 21 CFR 1300 through 1317, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding 40 CFR 266.504(c) allows on-site disposal into a collection receptacle of "an authorized collector (as defined by the Drug Enforcement Administration) that is registered with the Drug Enforcement Administration". The DEA rules for management of controlled substances are in 21 CFR 1300 through 1317. The DEA registration rules are in 21 CFR 1301.

d) Long-Term Care Facilities with 20 Beds or Fewer. A long-term care facility with 20 beds or fewer is presumed to be a VSQG subject to 35 Ill. Adm. Code 722.114 for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste and not subject to this Subpart P, except for Sections 726.605 and 726.607 and the other optional provisions of this Section. The Agency has the responsibility to demonstrate that a long-term care facility with 20 beds or fewer generates quantities of hazardous waste that are in excess of those applicable to a VSQG, as defined in 35 Ill. Adm. Code 720.110. A long-term care facility with more than 20 beds that operates as a VSQG under 35 Ill. Adm. Code 722.114 must demonstrate that it generates quantities of hazardous waste that are within those applicable to a VSQG, as defined by 35 Ill. Adm. Code 720.110.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.605 Prohibition Against Sewering

All healthcare facilities, including VSQGs operating under 35 Ill. Adm. Code 722.114 in lieu of this Subpart P, and reverse distributors are prohibited from discharging hazardous waste pharmaceuticals to a sewer system that passes through to a publicly-owned treatment works. Healthcare facilities and reverse distributors remain subject to the prohibitions in 40 CFR 403.5(b)(1), incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: This Section negates the exclusion from definition as solid waste in 35 Ill. Adm. Code 721.104(a)(1)(B) for mixtures of waste and domestic sewage as to VSQGs and reverse distributors.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.606 Conditional Exemptions for Controlled Substances and Household Hazardous Waste Pharmaceuticals

a) Conditional Exemptions. Provided the conditions of subsection (b) are met, the following are exempt from 35 Ill. Adm. Code 722 through 733:

1) Hazardous waste pharmaceuticals that are also listed on a schedule of controlled substances by DEA in 21 CFR 1308.11 through 1308.15, incorporated by reference in 35 Ill. Adm. Code 720.111; and

2) Household waste pharmaceuticals that are collected in a take-back event or program, including those that are collected by a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, that is registered with DEA and that commingles the household waste pharmaceuticals with controlled substances from an "ultimate user", as defined in 21 USC 802(27), incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding 40 CFR 266.506(a)(2) exempts from regulation as hazardous waste hazardous waste pharmaceuticals collected in a take-back event or program by "an authorized collector (as defined by the Drug Enforcement Administration) that is registered with the Drug Enforcement Administration". DEA rules define "collector" in 21 CFR 130001. The DEA registration rules are in 21 CFR 1301.

b) Conditions for Exemption. The following conditions apply to hazardous waste pharmaceuticals:

1) The hazardous waste pharmaceuticals must be managed in compliance with the sewer prohibition of Section 726.605;

2) The hazardous waste pharmaceuticals must be collected, stored, transported, and disposed of in compliance with all applicable DEA regulations for controlled substances in 21 CFR 1300 through 1317, incorporated by reference in 35 Ill. Adm. Code 720.111; and

3) The hazardous waste pharmaceuticals must be rendered "non-retrievable", as defined in 21 CFR 1300.05, under 21 CFR 1317.90 and 1317.95, each incorporated by reference in 35 Ill. Adm. Code 720.111, by a DEA registrant using a method that complies with this DEA standard of destruction or combusted at one of the following facilities:

A) A permitted large municipal waste combustor, subject to the standards of subpart FFF of 40 CFR 62 or applicable state plan for existing large municipal waste combustors, or subpart Eb of 40 CFR 60 for new large municipal waste combustors;

B) A permitted small municipal waste combustor, subject to subpart JJJ of 40 CFR 62 or applicable state plan for existing small

municipal waste combustors, or subpart AAAA of 40 CFR 60 for new small municipal waste combustors;

C) A permitted hospital, medical and infectious waste incinerator, subject to subpart HHH of 40 CFR 62 or applicable state plan for existing hospital, medical, and infectious waste incinerators, or subpart Ec of 40 CFR 60 for new hospital, medical, and infectious waste incinerators;

D) A permitted commercial and industrial solid waste incinerator, subject to subpart III of 40 CFR 62 or applicable state plan for existing commercial and industrial solid waste incinerators, or subpart CCCC of 40 CFR 60 for new commercial and industrial solid waste incinerators; or

E) A permitted hazardous waste combustor subject to subpart EEE of 40 CFR 63.

BOARD NOTE: Corresponding 40 CFR 266.506(b)(3) allows destruction by a method deemed in writing by DEA to render the pharmaceutical "non-retrievable". USEPA was not aware of any DEA methods approvals when adopting the rule. USEPA intended that destruction comply with applicable DEA requirements. 84 Fed. Reg. 5816, 5897 (Feb. 22, 2019); 21 CFR 1317.90(a) (2019); 79 Fed. Reg. 53520, 53541 (Sep. 9, 2014). The entity performing the destruction must be a DEA registrant. Management of controlled substances is authorized within the scope of DEA registration. 21 USC 822(b) (2018).

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.607 Residues in Empty Containers

a) Stock, Dispensing and Unit-Dose Containers. A stock bottle, dispensing bottle, vial, or ampule (not to exceed 1 liter or 10,000 pills); or a unit-dose container (e.g., a unit-dose packet, cup, wrapper, blister pack, delivery device, etc.) is considered empty and the residues are not regulated as hazardous waste, provided the pharmaceuticals have been removed from the stock bottle, dispensing bottle, vial, ampule, or unit-dose container using the practices commonly employed to remove materials from that type of container.

b) Syringes. A syringe is considered empty and the residues are not regulated as hazardous waste under this Subpart P, provided the contents have been removed by fully depressing the plunger of the syringe. If a syringe is not empty, the syringe must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this Subpart P and any applicable federal, State, and local requirements for sharps containers and medical waste.

c) Intravenous (IV) Bags. An IV bag is considered empty and the residues are not regulated as hazardous waste, provided the pharmaceuticals in the IV bag have been fully administered to a patient. If an IV bag is not empty, the IV bag must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this Subpart P, unless the IV bag held non-acute hazardous waste pharmaceuticals and is empty, as defined in 35 Ill. Adm. Code 721.107(b)(1).

d) Other Containers, Including Delivery Devices. Hazardous waste pharmaceuticals remaining in all other types of unused, partially administered, or fully administered containers must be managed as non-creditable hazardous waste pharmaceuticals under this Subpart P, unless the container held nonacute hazardous waste pharmaceuticals and is empty, as defined in 35 Ill. Adm. Code 721.107(b)(1) or (b)(2). This includes residues in inhalers, aerosol cans, nebulizers, tubes of ointments, gels, or creams.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.608 Shipping from a Healthcare Facility or Reverse Distributor

a) Shipping Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. A healthcare facility must ship non-creditable hazardous waste pharmaceuticals and a reverse distributor must ship evaluated hazardous waste pharmaceuticals off-site to a designated facility (such as a permitted or interim status treatment, storage, or disposal facility) in compliance with the following requirements:

1) The following pre-transport requirements, before transporting or offering for transport off-site:

A) Packaging. Applicable USDOT regulations on hazardous materials under 49 CFR 173, 178, and 180, each incorporated by reference in 35 Ill. Adm. Code 720.111;

B) Labeling. Applicable USDOT regulations on hazardous materials under subpart E of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111;

C) Marking

i) Applicable USDOT regulations for hazardous materials under subpart D of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111;

ii) Mark each container of 119 gallons (450 ℓ) or less used in such transportation with the following words and information in accordance with 49 CFR 172.304, incorporated by reference in 35 Ill. Adm. Code 720.111:

HAZARDOUS WASTE − Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Healthcare Facility's or Reverse distributor's Name and Address _____

Healthcare Facility's or Reverse distributor's USEPA Identification Number _____

Manifest Tracking Number _____

iii) Lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) are not required to be marked with USEPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, if applicable. A nationally recognized electronic system, such as bar

coding or radio frequency identification, may be used to identify the USEPA hazardous waste numbers; and

D) Placarding. Placard or offer the initial transporter the appropriate placards according to USDOT regulations for hazardous materials under subpart F of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The manifest requirements of Subpart B of 35 Ill. Adm. Code 722, except as follows:

A) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals is not required to list all applicable hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of USEPA Form 8700-12.

B) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals must write the word "PHARMS" in Item 13 of USEPA Form 8700-12.

b) Exporting Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that exports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Subpart H of 35 Ill. Adm. Code 722.

c) Importing Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. Any person that imports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Subpart H of 35 Ill. Adm. Code 722. A healthcare facility or reverse distributor may not accept imported non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals without a permit or interim status allowing the facility or distributor to accept hazardous waste from off site.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.609 Shipping to a Reverse Distributor

a) Shipping Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that transports or offers for transport potentially creditable hazardous waste pharmaceuticals offsite to a reverse distributor must comply with all applicable USDOT regulations in 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, for any potentially creditable hazardous waste pharmaceutical that meets the definition of hazardous material in 49 CFR 171.8, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: For purposes of the USDOT regulations, a material is considered a hazardous waste if it is subject to USEPA's hazardous waste manifest requirements in 40 CFR 262 (corresponding with 35 Ill. Adm. Code 722 in Illinois). Because a potentially creditable hazardous waste pharmaceutical does not require a manifest, it is not considered hazardous waste under USDOT regulations.

b) Delivery Confirmation. Upon receipt of each shipment of potentially creditable hazardous waste pharmaceuticals, the receiving reverse distributor must provide confirmation (paper or electronic) to the healthcare facility or reverse distributor initiating the shipment that the shipment has arrived at its destination and is under the custody and control of the reverse distributor.

c) Procedures for When Delivery Confirmation is Not Received within 35 Calendar Days. If a healthcare facility or reverse distributor initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor and does not receive delivery confirmation within 35 calendar days after the date when it sent the shipment of potentially creditable hazardous waste pharmaceuticals, the healthcare facility or reverse distributor that initiated the shipment must promptly contact the carrier and the intended recipient (i.e., the reverse distributor) to report that it did not receive the delivery confirmation and to determine the status of the potentially creditable hazardous waste pharmaceuticals.

d) Exporting Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that sends potentially creditable hazardous waste pharmaceuticals to a foreign destination must comply with subsections (a) through (c) and the applicable requirements of Subpart D of 35 Ill. Adm. Code 722, except the manifesting requirement of 35 Ill. Adm. Code 722.183(c).

e) Importing Potentially Creditable Hazardous Waste Pharmaceuticals. Any person that imports potentially creditable hazardous waste pharmaceuticals into the United States is subject to subsections (a) through (c) in lieu of Subpart H of 35 Ill. Adm. Code 722. Immediately after the potentially creditable hazardous waste pharmaceuticals enter the United States, they are subject to all applicable requirements of this Subpart P.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.610 Standards for Reverse Distributors

A reverse distributor may accept potentially creditable hazardous waste pharmaceuticals from off site and accumulate potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals on site without a hazardous waste permit or without having interim status, provided that the reverse distributor complies with the following conditions:

a) Standards for Reverse Distributors Managing Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals

1) Notification. A reverse distributor must notify the Agency, using USEPA Form 8700-12, that it is a reverse distributor operating under this Subpart P.

A) A reverse distributor that already has a USEPA identification number must notify the Agency, using USEPA Form 8700-12, that it is a reverse distributor, as defined in Section 726.600, before September 3, 2020, or within 60 days after becoming subject to this Subpart P.

B) A reverse distributor that does not have a USEPA identification number must obtain one by notifying the Agency, using USEPA Form 8700-12, that it is a reverse distributor, as defined in Section 726.600, within 60 days after becoming subject to this Subpart P.

2) Inventory by the Reverse Distributor. A reverse distributor must maintain a current inventory of all the potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals that the reverse distributor has accumulated on site.

A) A reverse distributor must inventory each potentially creditable hazardous waste pharmaceutical within 30 calendar days after each waste arrived at the reverse distributor.

B) The inventory must include the identity (e.g., name or National Drug Code) and quantity of each potentially creditable hazardous waste pharmaceutical and evaluated hazardous waste pharmaceutical.

BOARD NOTE: The National Drug Code (NDC) is a three-segment number (including labeler code, product code, and package code) uniquely identifying drugs. The Food and Drug Administration (FDA) assigns the labeler code, and the labeler assigns the product and package codes. 21 CFR 207.33. The NDC is required in applications for registration. 21 CFR 1.74(a) and 1.75(a). The FDA maintains an Internet database for NDC look-up (https://www.fda.gov/drugs/drug-approvals-and-databases/national-drug-code-directory). The FDA requests but does not require use of the NDC on the product label. 21 CFR 201.2. However, if required on drug packaging, the bar code includes the NDC. 21 CFR 201.25(c).

C) If the reverse distributor already meets the inventory requirements of this subsection (a)(2) through compliance with other regulatory requirements, such as 68 Ill. Adm. Code 1330 under the Pharmacy Practice Act [225 ILCS 85], or 68 Ill. Adm. Code 1510 under the Wholesale Drug Distribution Licensing Act [225 ILCS 120], the facility is not required to provide a separate inventory under this Section.

3) Evaluation by a Reverse Distributor That Is Not a Manufacturer. A reverse distributor that is not a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical within 30 calendar days after the waste arrived at the reverse distributor to establish whether the waste is destined for another reverse distributor for further evaluation or verification of manufacturer credit or for a permitted or interim status treatment, storage, or disposal facility.

A) A potentially creditable hazardous waste pharmaceutical that is destined for another reverse distributor is still considered a "potentially creditable hazardous waste pharmaceutical", and the reverse distributor must manage the waste in accordance with subsection (b).

B) A potentially creditable hazardous waste pharmaceutical that is destined for a permitted or interim status treatment, storage or disposal facility is considered an "evaluated hazardous waste pharmaceutical", and the reverse distributor must manage the waste in accordance with subsection (c).

4) Evaluation by a Reverse Distributor That Is a Manufacturer. A reverse distributor that is a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical to verify manufacturer credit within 30 calendar days after the waste arrived at the facility, and the reverse distributor must manage the evaluated hazardous waste pharmaceuticals in accordance with subsection (c) following the evaluation.

5) Maximum Accumulation Time for Hazardous Waste Pharmaceuticals at a Reverse Distributor

A) A reverse distributor may accumulate potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals on site for 180 or fewer calendar days. The 180 days start after the reverse distributor evaluates the potentially creditable hazardous waste pharmaceutical and applies to all hazardous waste pharmaceuticals accumulated on site, regardless of whether the pharmaceuticals are destined for another reverse distributor (i.e., the pharmaceuticals are potentially creditable hazardous waste pharmaceuticals) or a permitted or interim status treatment, storage, or disposal facility (i.e., the pharmaceuticals are evaluated hazardous waste pharmaceuticals).

B) Aging Pharmaceuticals. Unexpired pharmaceuticals that are otherwise creditable but are awaiting their expiration date (i.e., aging in a holding morgue) can be accumulated for up to 180 days after the expiration date, provided that the reverse distributor

manages the unexpired pharmaceuticals in accordance with subsection (a) and the container labeling and management standards in subsection (c)(4).

6) Security at the Reverse Distributor Facility. A reverse distributor must prevent unknowing entry and minimize the possibility for the unauthorized entry into the portion of the facility if the reverse distributor keeps potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

A) Examples of methods that a reverse distributor may use to prevent unknowing entry and minimize the possibility for unauthorized entry include the following:

i) A 24-hour continuous monitoring surveillance system;

ii) An artificial barrier such as a fence; or

iii) A means to control entry, such as keycard access.

B) If the reverse distributor already meets the security requirements of this subsection (a)(6) through compliance with other regulatory requirements, such as federal DEA or Department of Financial and Professional Regulation rules, the facility is not required to provide separate security measures under this Section.

7) Contingency Plan and Emergency Procedures at a Reverse Distributor. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must prepare a contingency plan and comply with the other requirements of Subpart M of 35 Ill. Adm. Code 722.

8) Closure of a Reverse Distributor. When closing an area where a reverse distributor accumulates potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals, the reverse distributor must comply with 35 Ill. Adm. Code 722.117(a)(8)(B) and (a)(8)(C).

9) Reporting by a Reverse Distributor

A) Unauthorized Waste Report. A reverse distributor must submit an unauthorized waste report if the reverse distributor receives waste from off site that it is not authorized to receive (e.g., non-pharmaceutical hazardous waste, regulated medical waste, etc.). The reverse distributor must prepare and submit an unauthorized waste report to the Agency within 45 calendar days after the unauthorized waste arrives at the reverse distributor, and the reverse distributor must send a copy of the unauthorized waste report to the healthcare facility (or other entity) that sent the unauthorized waste. The reverse distributor must manage the unauthorized waste in accordance with all applicable regulations. The unauthorized waste report must be signed by the owner or operator of the reverse distributor or its authorized representative. The report must contain the following information:

i) The USEPA identification number, name, and address of the reverse distributor;

ii) The date the reverse distributor received the unauthorized waste;

iii) The USEPA identification number, name, and address of the healthcare facility that shipped the unauthorized waste, if available;

iv) A description and the quantity of each unauthorized waste the reverse distributor received;

v) The method of treatment, storage, or disposal for each unauthorized waste; and

vi) A brief explanation of why the waste was unauthorized, if known.

B) Additional Reports. The Agency may require a reverse distributor to furnish additional reports concerning the quantities and disposition of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals

that the Agency determines in writing are necessary to demonstrate compliance with this Subpart P.

10) Recordkeeping by Reverse Distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an Agency or USEPA inspector. The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

A) A copy of its notification under Section 726.602 on file for as long as the facility is subject to this Subpart P;

B) A copy of the delivery confirmation and the shipping papers for each shipment of potentially creditable hazardous waste pharmaceuticals that it receives, and a copy of each unauthorized waste report, for at least three years after the date when the shipment arrives at the reverse distributor;

C) A copy of its current inventory for as long as the facility is subject to this Subpart P.

b) Additional Standards for Reverse Distributors Managing Potentially Creditable Hazardous Waste Pharmaceuticals Destined for Another Reverse Distributor. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements in subsection (a), for the management of potentially creditable hazardous waste pharmaceuticals that are destined for another reverse distributor for further evaluation or verification of manufacturer credit:

1) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from a healthcare facility must send those potentially creditable hazardous waste pharmaceuticals to another reverse distributor within 180 days after evaluating the potentially creditable hazardous waste pharmaceuticals or must follow subsection (c) for evaluated hazardous waste pharmaceuticals.

2) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from another reverse distributor must send those

potentially creditable hazardous waste pharmaceuticals to a reverse distributor that is a pharmaceutical manufacturer within 180 days after evaluating the potentially creditable hazardous waste pharmaceuticals or must follow subsection (c) for evaluated hazardous waste pharmaceuticals.

3) A reverse distributor must ship potentially creditable hazardous waste pharmaceuticals destined for another reverse distributor in accordance with Section 726.609.

4) Recordkeeping by Reverse Distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an Agency or USEPA inspector for each shipment of potentially creditable hazardous waste pharmaceuticals that it initiates to another reverse distributor, for at least three years after the date of shipment. The retention periods referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

A) The confirmation of delivery; and

B) The USDOT shipping papers prepared in accordance with subpart C of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111, if applicable.

c) Additional Standards for Reverse Distributors Managing Evaluated Hazardous Waste Pharmaceuticals. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements of subsection (a), for the management of evaluated hazardous waste pharmaceuticals:

1) Accumulation Area at the Reverse Distributor. A reverse distributor must designate an on-site accumulation area where it will accumulate evaluated hazardous waste pharmaceuticals.

2) Inspections of On-Site Accumulation Area. A reverse distributor must inspect its on-site accumulation area at least once every seven days, looking at containers for leaks and for deterioration caused by corrosion or other factors, as well as for signs of diversion.

3) Personnel Training at a Reverse Distributor. Personnel at a reverse distributor that handle evaluated hazardous waste pharmaceuticals are subject to the training requirements of 35 Ill. Adm. Code 722.117(a)(7).

4) Labeling and Management of Containers at On-Site Accumulation Areas. A reverse distributor accumulating evaluated hazardous waste pharmaceuticals in containers in an on-site accumulation area must do the following:

A) Label the containers with the words "hazardous waste pharmaceuticals";

B) Ensure the containers are in good condition and managed to prevent leaks;

C) Use containers made of or lined with materials that will not react with, and are otherwise compatible with, the evaluated hazardous waste pharmaceuticals, so that the ability of the container to contain the waste is not impaired;

D) Keep containers closed, if holding liquid or gel evaluated hazardous waste pharmaceuticals. If the liquid or gel evaluated hazardous waste pharmaceuticals are in their original, intact, and sealed packaging or in repackaged, intact, and sealed packaging, they meet the closed-container standard;

E) Manage any container of ignitable or reactive evaluated hazardous waste pharmaceuticals, or any container of commingled incompatible evaluated hazardous waste pharmaceuticals so that the container does not have the potential to do any of the following:

i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

iv) Damage the structural integrity of the container of hazardous waste pharmaceuticals; or

v) Through other like means threaten human health or the environment; and

F) Accumulate evaluated hazardous waste pharmaceuticals that are prohibited from being combusted because of the dilution prohibition of 35 Ill. Adm. Code 728.103(c) (e.g., arsenic trioxide (P012)) in separate containers from other evaluated hazardous waste pharmaceuticals at the reverse distributor.

5) Hazardous Waste Numbers. Prior to shipping evaluated hazardous waste pharmaceuticals off site, all containers must be marked with the applicable hazardous waste numbers (i.e., hazardous waste codes). A nationally recognized electronic system, such as bar coding or radio frequency identification, may be used to identify the USEPA hazardous waste numbers.

6) Shipments. A reverse distributor must ship evaluated hazardous waste pharmaceuticals that are destined for a permitted or interim status treatment, storage, or disposal facility in accordance with the applicable shipping standards in Section 726.608(a) or (b).

7) Procedures for a Reverse Distributor for Managing Rejected Shipments. A reverse distributor that sends a shipment of evaluated hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and that later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172, may accumulate the returned evaluated hazardous waste pharmaceuticals on site for up to an additional 90 days in the on-site accumulation area, provided the rejected or returned shipment is managed in accordance with subsections (a) and (c). Upon receipt of the returned shipment, the reverse distributor must do the following:

A) Sign the appropriate of the following:

i) Item 18c (Signature of Alternate Facility (or Generator)) of the original manifest, if the original manifest was used for the returned shipment; or

ii) Item 20 (Designated Facility Owner or Operator. Certification of hazardous materials covered by the manifest except as noted in Item 18a) of the new manifest, if a new manifest was used for the returned shipment;

B) Provide the transporter a copy of the manifest;

C) Within 30 days after receipt of the rejected shipment of evaluated hazardous waste pharmaceuticals, send a copy of the manifest to the designated facility that returned the shipment to the reverse distributor; and

D) Within 90 days after receipt of the rejected shipment, transport or offer for transport the returned shipment of evaluated hazardous waste pharmaceuticals in accordance with the applicable shipping standards of Section 726.608(a) or (b).

8) Land Disposal Restrictions. Evaluated hazardous waste pharmaceuticals are subject to the land disposal restrictions of 35 Ill. Adm. Code 728. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must comply with the land disposal restrictions in accordance with 35 Ill. Adm. Code 728.107(a) requirements.

9) Reporting by a Reverse Distributor for Evaluated Hazardous Waste Pharmaceuticals

A) Biennial Reporting by a Reverse Distributor. A reverse distributor that ships evaluated hazardous waste pharmaceuticals off-site must prepare and submit a single copy of an annual report to the Agency by March 1 of each year in accordance with 35 Ill. Adm. Code 722.141.

B) Exception Reporting by a Reverse Distributor for a Missing Copy of the Manifest

i) If a reverse distributor does not receive a copy of the manifest with the signature of the owner or operator of the designated or alternate facility within 35 days after the date when the initial transporter accepted the evaluated hazardous waste pharmaceuticals, the reverse distributor must contact the transporter or the owner or operator of the designated or alternate facility, as applicable, to determine the status of the evaluated hazardous waste pharmaceuticals. For a shipment from the designated facility to an alternate facility, the 35-days begin when the transporter forwarding the evaluated hazardous waste pharmaceuticals accepted them.

ii) A reverse distributor must submit an exception report to the Agency if it has not received a copy of the manifest with the signature of the owner or operator of the designated or alternate facility within 45 days after the date when the initial transporter accepted the evaluated hazardous waste pharmaceuticals. In the case of a shipment from the designated facility to an alternate facility, the 45-days begin when the transporter forwarding the evaluated hazardous waste pharmaceuticals accepted them. The exception report must include a legible copy of the manifest for which the reverse distributor does not have confirmation of delivery and a cover letter signed by the reverse distributor, or its authorized representative, explaining the efforts taken to locate the evaluated hazardous waste pharmaceuticals and the results of those efforts.

BOARD NOTE: The Board combined 40 CFR 266.510(c)(9)(ii)(A)(1) and (c)(9)(ii)(B)(1) as subsection (c)(9)(B)(i) and 40 CFR 266.510(c)(9)(ii)(A)(2), (c)(9)(ii)(A)(2)(i), (c)(9)(ii)(A)(2)(ii), (c)(9)(ii)(B)(2), (c)(9)(ii)(B)(2)(i), and (c)(9)(ii)(B)(2)(ii) as subsection (c)(9)(B)(ii) to comport with codification requirements.

10) Recordkeeping by a Reverse Distributor for Evaluated Hazardous Waste Pharmaceuticals

A) A reverse distributor must keep a log (written or electronic) of the inspections of its onsite accumulation area required by subsection (c)(2). The reverse distributor must retain this log as a record for at least three years after the date of the inspection.

B) A reverse distributor must keep a copy of each manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years or until it receives a signed copy from the designated facility that received the evaluated hazardous waste pharmaceutical. The reverse distributor must retain this signed copy as a record for at least three years after the date when the initial transporter accepted the evaluated hazardous waste pharmaceutical.

C) A reverse distributor must keep a copy of each biennial report for at least three years after the due date of the report.

D) A reverse distributor must keep a copy of each exception report for at least three years after submitting the report.

E) A reverse distributor must keep records to document personnel training, in accordance with 35 Ill. Adm. Code 722.117(a)(7)(D).

F) All records must be readily available upon request by an Agency or USEPA inspector. The periods of retention referred to in this subsection (c)(10) are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

d) When a Reverse Distributor Must Have a Permit. A reverse distributor is an operator of a hazardous waste treatment, storage, or disposal facility and is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 703, if the reverse distributor does any of the following:

1) The reverse distributor fails to meet the conditions of this Section;

2) The reverse distributor accepts manifested hazardous waste from off site; or

3) The reverse distributor treats or disposes of hazardous waste pharmaceuticals on site.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3)

Section Numbers:	Adopted Actions:
728.101	Amendment
728.107	Amendment
728.150	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9799; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have

substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 728 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 726, 733, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 728 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include a needed correction in rule not directly related to USEPA amendments.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

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

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101 Purpose, Scope, and Applicability
728.102 Definitions
728.103 Dilution Prohibited as a Substitute for Treatment
728.104 Treatment Surface Impoundment Exemption
728.105 Procedures for Case-by-Case Extensions to an Effective Date
728.106 Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C
728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Reverse Distributors, Treaters, and Disposal Facilities
728.108 Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109 Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section
728.110 First Third (Repealed)
728.111 Second Third (Repealed)
728.112 Third Third (Repealed)
728.113 Newly Listed Wastes
728.114 Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130 Waste-Specific Prohibitions: Wood Preserving Wastes
728.131 Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132 Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

Metals and Containing PCBs
728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137 Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section
728.140 Applicability of Treatment Standards
728.141 Treatment Standards Expressed as Concentrations in Waste Extract
728.142 Treatment Standards Expressed as Specified Technologies
728.143 Treatment Standards Expressed as Waste Concentrations
728.144 USEPA Variance from a Treatment Standard
728.145 Treatment Standards for Hazardous Debris
728.146 Alternative Treatment Standards Based on HTMR
728.148 Universal Treatment Standards
728.149 Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150 Prohibitions on Storage of Restricted Wastes

728.APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132
728.APPENDIX D Wastes Excluded from Lab Packs
728.APPENDIX E Organic Lab Packs (Repealed)
728.APPENDIX F Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G Federal Effective Dates
728.APPENDIX H National Capacity LDR Variances for UIC Wastes

728.APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
728.APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K	Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)
728.TABLE A	Constituent Concentrations in Waste Extract (CCWE)
728.TABLE B	Constituent Concentrations in Wastes (CCW)
728.TABLE C	Technology Codes and Description of Technology-Based Standards
728.TABLE D	Technology-Based Standards by USEPA Hazardous Waste Number
728.TABLE E	Standards for Radioactive Mixed Waste
728.TABLE F	Alternative Treatment Standards for Hazardous Debris
728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
728.TABLE U	Universal Treatment Standards (UTS)

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

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July

17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8790, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17951, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 12052, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24924, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15495, effective September 3, 2020.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope, and Applicability

a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.

c) Restricted wastes may continue to be land disposed as follows:

1) If~~Where~~ a person has been granted an extension to the effective date of a prohibition under~~pursuant to~~ Subpart C or under~~pursuant to~~ Section 728.105, with respect to those wastes covered by the extension;

2) If~~Where~~ a person has been granted an exemption from a prohibition under~~pursuant to~~ a petition under~~pursuant to~~ Section 728.106, with respect to those wastes and units covered by the petition;

3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that~~which~~ is otherwise prohibited under~~pursuant to~~ this Part is not prohibited if the following is true of the waste:

A) The waste is disposed into a non-hazardous or hazardous waste

injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.

4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that~~which~~ is otherwise prohibited under~~pursuant to~~ this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

A) Any of the following is true of either treatment or management of the waste:

i) The waste is managed in a treatment system that subsequently discharges to waters of the United States under~~pursuant to~~ a permit issued under~~pursuant to~~ 35 Ill. Adm. Code 309;

ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or

iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and

B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

d) This Part does not affect the availability of a waiver under~~pursuant to~~ Section 121(d)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Waste generated by a VSQG, as defined in 35 Ill. Adm. Code 720.110;

2) Waste pesticide that a farmer disposes of under~~pursuant to~~ 35 Ill. Adm. Code 722.170;

3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; and

4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility.

f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under~~pursuant to~~ 35 Ill. Adm. Code 733.

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

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

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

4) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code

729. The Environmental Protection Agency (Agency) must not issue a wastestream authorization underpursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

h) Electronic Reporting. The filing of any document underpursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (h) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (2017).

(Source: Amended at 44 Ill. Reg. 15495, effective September 3, 2020)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Reverse Distributors, Treaters, and Disposal Facilities

a) Requirements for Generators and Reverse Distributors

1) A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made concurrently with the hazardous waste determination required in 35 Ill. Adm. Code 722.111, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, ifwhere the waste treatment facility must comply with the requirements of 35 Ill. Adm. Code 724.113 and subsection (b).) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T, and are

described in detail in Table C. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator must comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of whether its waste must be treated, the generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator must place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the USEPA hazardous waste numbers and manifest number of the first shipment, and it must include the following statement: "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

3) If the waste or contaminated soil meets the treatment standard at the original point of generation, the waste generator must do the following:

A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Table I and the following certification statement, signed by an authorized representative:

> I certify under penalty of law that I personally have examined and am familiar with the waste through analysis

and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in Subpart D of 35 Ill. Adm. Code 728. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Table I.

C) If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under Subpart C. If a generator's waste is so exempt, then with the initial shipment of waste, the generator must send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I. If the waste changes, the generator must send a new notice to the receiving facility, and place a copy in its file.

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.115, 722.116, and 722.117 to meet applicable LDR treatment standards found at Section 728.140, the generator must develop

and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site under~~pursuant to~~ this subsection (a)(5) must comply with the notification requirements of subsection (a)(3).

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or that~~which~~ is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator must place a one-time notice stating such generation,

subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

8) A generator must retain a copy of all notices, certifications, waste analysis data, and other documentation produced under~~pursuant to~~ this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(8) is subject to Board review under~~pursuant to~~ Section 40 of the Act.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator must fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

> I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under Appendix D to 35 Ill. Adm. Code 728 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are

significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.

D) The generator must also comply with the requirements in subsections (a)(6) and (a)(7).

10) An SQG with tolling agreements under~~pursuant to~~ 35 Ill. Adm. Code 722.120(e) must comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(10) is subject to Board review under~~pursuant to~~ Section 40 of the Act.

b) The owner or operator of a treatment facility must test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3).

1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility must test an extract of the treatment residues using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-

530/SW-846, to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the following requirements:

i) USEPA hazardous waste number and manifest number of first shipment;

ii) The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;

iii) The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a USEPA hazardous waste numbers based on waste-specific criteria (such as D003 reactive cyanide);

iv) Waste analysis data (when available);

v) For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as

described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)"; and

vi) A certification is needed (see applicable Section for exact wording).

4) The owner or operator of a treatment facility must submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's

on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology listed in Table F and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) rather than the certification requirements of this subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in Table C to 35 Ill. Adm. Code 728. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T (other than those expressed as a required method of treatment) or Section 728.149 and that~~which~~ contain underlying hazardous constituents, as defined in Section 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification

must state as follows:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes that contain underlying hazardous constituents, as defined in Section 728.102(i), that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U universal treatment standards, the certification must state as follows:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility that sends the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

6) If~~Where~~ the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator

of a treatment facility (i.e., the recycler) must, for the initial shipment of waste, prepare a one-time certification described in subsection (b)(4) and a notice that includes the information listed in subsection (b)(3) (except the manifest number). The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on-site files. In addition, the owner or operator of the recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except if~~where~~ the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal under~~pursuant to~~ 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part must do the following:

1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b).

2) Test the waste or an extract of the waste or treatment residue developed using Method 1311 (Toxicity Characteristic Leaching Procedure in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846) to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.

3) If~~Where~~ the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator must ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) If~~Where~~ the owner or operator is disposing of any waste that is a

recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) with respect to such waste.

d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology provided by Table F, and debris that has been delisted) is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and

C) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the technology from Table F used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.103(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table F, as follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state as follows:

> I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and a generator or treater that first determines that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste must do the following:

1) Prepare a one-time only documentation of these determinations including all supporting information; and

2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 44 Ill. Reg. 15495, effective September 3, 2020)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.116 and 722.117 and 35 Ill. Adm. Code 724 and

725. (A generator that is in existence on the effective date of a regulation under this Part and that~~which~~ must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:

A) Each container is clearly marked with the following to identify:

i) The words "Hazardous Waste";

ii) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721; or use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers;

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

iv) The date each period of accumulation begins.

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and

maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator must comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

4) A healthcare facility accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the healthcare facility complies with the applicable requirements in 35 Ill. Adm. Code 726.602 and 726.603.

5) A reverse distributor accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the reverse distributor complies with 35 Ill. Adm. Code 726.610.

b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension granted by USEPA under~~pursuant to~~ 40 CFR 268.5, an approved Section 728.106 petition or a national capacity variance granted by USEPA under~~pursuant to~~ subpart C of 40 CFR 268), the prohibition in subsection (a) does not apply during the period of such exemption.

e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the

treatment standards specified under Sections 728.141, 728.142, and 728.143 or the adjusted treatment standards specified under Section 728.144, or, if~~where~~ treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of federal 40 CFR 761.65(b) (Storage for Disposal), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) do not apply to such PCB wastes prohibited under Section 728.132.

g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved under~~pursuant to~~ 35 Ill. Adm. Code 724.654.

(Source: Amended at 44 Ill. Reg. 15495, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for Universal Waste Management

2) Code Citation: 35 Ill. Adm. Code 733

3)

Section Numbers:	Adopted Actions:
733.101	Amendment
733.103	Amendment
733.106	New Section
733.109	Amendment
733.113	Amendment
733.114	Amendment
733.132	Amendment
733.133	Amendment
733.134	Amendment
733.180	Amendment

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

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9824; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency

(USEPA) during 2019. The amendment to Part 733 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 810, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 733 incorporate segments of USEPA's Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include a needed correction in a rule not directly related to USEPA amendments.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

NOTICE OF ADOPTED AMENDMENTS

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

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

PART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section
733.101 Scope
733.102 Applicability: Batteries
733.103 Applicability: Pesticides
733.104 Applicability: Mercury-Containing Equipment
733.105 Applicability: Lamps
733.106 Applicability: Aerosol Cans~~Mercury-Containing Equipment (Repealed)~~
733.107 Applicability: Mercury-Containing Lamps (Repealed)
733.108 Applicability: Household and Conditionally Exempt Small Quantity Generator Waste
733.109 Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section
733.110 Applicability
733.111 Prohibitions
733.112 Notification
733.113 Waste Management
733.114 Labeling and Marking
733.115 Accumulation Time Limits
733.116 Employee Training
733.117 Response to Releases
733.118 Off-Site Shipments
733.119 Tracking Universal Waste Shipments
733.120 Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section
733.130 Applicability
733.131 Prohibitions
733.132 Notification
733.133 Waste Management
733.134 Labeling and Marking
733.135 Accumulation Time Limits
733.136 Employee Training
733.137 Response to Releases
733.138 Off-Site Shipments
733.139 Tracking Universal Waste Shipments
733.140 Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section
733.150 Applicability
733.151 Prohibitions
733.152 Waste Management
733.153 Accumulation Time Limits
733.154 Response to Releases
733.155 Off-site Shipments
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SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section
733.160 Applicability
733.161 Off-Site Shipments
733.162 Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section
733.170 Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section

733.180 General
733.181 Factors for Petitions to Include Other Wastes

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

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15520, effective September 3, 2020.

SUBPART A: GENERAL

Section 733.101 Scope

a) This Part establishes requirements for managing the following:

1) Batteries, as described in Section 733.102;

2) Pesticides, as described in Section 733.103;

3) Mercury-containing equipment, as described in Section 733.104; ~~and~~

4) Lamps, as described in Section 733.105; and~~.~~

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

b) This Part provides an alternative set of management standards in lieu of regulation under~~pursuant to~~ 35 Ill. Adm. Code 702 through 705 and 720 through 728.

c) Electronic Reporting. The filing of any document under~~pursuant to~~ any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) is derived from 40 CFR 3, 271.10(b), 271.11(b),

and 271.12(h)~~ (2017)~~.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.103 Applicability: Pesticides

a) Pesticides Covered under This Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109, that meet the following conditions, except those listed in subsection (b):

1) Recalled pesticides, as follows:

A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or

B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or

2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

b) Pesticides Not Covered under This Part. The requirements of this Part do not apply to persons managing the following pesticides:

1) Recalled pesticides described in subsection (a)(1) and unused pesticide products described in subsection (a)(2) that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);

2) Pesticides not meeting the conditions set forth in subsection (a) must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728, except that aerosol

cans, as defined in 35 Ill. Adm. Code 733.109, that contain pesticides may be managed as aerosol can universal waste under Section 733.113(e) or 733.133(e);

3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) or those that are not wastes as described in subsection (d); and

4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3)) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) When a Pesticide Becomes a Waste

1) A recalled pesticide described in subsection (a)(1) becomes a waste on the first date on which both of the following conditions apply:

A) The generator of the recalled pesticide agrees to participate in the recall; and

B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2) An unused pesticide product described in subsection (a)(2) becomes a waste on the date the generator decides to discard it.

d) Pesticides That Are Not Wastes. The following pesticides are not wastes:

1) Recalled pesticides described in subsection (a)(1), provided that either of the following conditions exist:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

2) Unused pesticide products described in subsection (a)(2), if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.106 Applicability: Aerosol Cans~~Mercury-Containing Equipment (Repealed)~~

a) Aerosol Cans Covered under This Part. The requirements of this Part apply to persons managing aerosol cans, as described in Section 733.109, except those listed in subsection (b).

b) Aerosol Cans Not Covered under This Part. The requirements of this Part do not apply to persons managing the following types of aerosol cans:

1) Aerosol Cans That Are Not Yet Waste under 35 Ill. Adm. Code 721. Subsection (c) describes when an aerosol can becomes a waste;

2) Aerosol Cans That Are Not Hazardous Waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or the aerosol can contains a substance that is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Aerosol cans that meet the standard for empty containers under 35 Ill. Adm. Code 721.107.

c) Generation of Waste Aerosol Cans

1) A used aerosol can becomes a waste when it is discarded.

2) An unused aerosol can becomes a waste when the handler decides to discard it.

(Source: Former Section 733.106 repealed at 31 Ill. Reg. 1352, effective December 20, 2006; new Section 733.106 added at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.109 Definitions

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

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

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a

hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

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

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

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

> It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;
>
> It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under~~pursuant to~~ FFDCA section 512(j) (21 USC 360b(j)), incorporated by reference in 35 Ill. Adm. Code

720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans, calculated collectively) at any time.

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

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Mercury-containing equipment, as described in Section 733.104; ~~and~~

Lamps, as described in Section 733.105; and~~.~~

Aerosol cans, as described in Section 733.106.

"Universal waste handler" means either of the following:

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

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

Universal waste handler does not mean:

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

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

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

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

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.113 Waste Management

a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries; and

3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler

is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:

A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable~~meets the~~ requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment

devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules under~~pursuant to~~ subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a

characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Small quantity handlers of universal waste lamps may treat those lamps

for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an eight-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during

storage, handling, and transportation.

e) Aerosol Cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) A small quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container or overpacked with absorbents, or the small quantity handler must immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

A) Sorting aerosol cans by type;

B) Mixing intact cans in one container; and

C) Removing actuators to reduce the risk of accidental release; and

4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.

D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid waste regulations.

G) The small quantity handler must have a written procedure in place in the event of a spill or leak and must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries", "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury-Containing Equipment", or "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste − Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste − Lamps", "Waste Lamps", or "Used Lamps".

f) A small quantity handler must clearly label or mark its universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste − Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.132 Notification

a) Written Notification of Universal Waste Management

1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.

2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and that~~which~~ has received a USEPA Identification Number is not required to renotify under~~pursuant to~~ this Section.

3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides under~~pursuant to~~ this Section.

b) This notification must include the following:

1) The universal waste handler's name and mailing address;

2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

3) The address or physical location of the universal waste management activities;

4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment,~~ or~~ lamps, or aerosol cans); and

5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for notification. The generator or consolidation point must notify the Agency, either by submitting USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-

contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.133 Waste Management

a) Universal Waste Batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from

batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device;must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:

A) It removes the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable~~meets the~~ requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container

that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules under~~pursuant to~~ subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill.

Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A large quantity handler of universal waste lamps must immediately clean

up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with

applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

e) Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

A) The large quantity handler may sort aerosol cans by type;

B) The large quantity handler may mix intact cans in one container; and

C) The large quantity handler may remove actuators to reduce the risk of accidental release; and

4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

D) The large quantity handler must immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The large quantity handler must conduct a hazardous waste determination on the contents of the emptied can, as required by 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 703, 705 and 720 through 728. The handler is the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the large quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, and local solid waste regulations.

G) The large quantity handler must have a written procedure in place in the event of a spill or release and a spill clean-up kit must be provided. The large quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste − Batteries", or "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under~~pursuant to the USDOT regulation~~ 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste − Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste − Lamps", "Waste Lamps", or "Used Lamps".

f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the following phrases: "Universal Waste − Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section 733.180 General

a) Except as provided in subsection (d), any~~Any~~ person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:

1) If USEPA has already added the waste or category of waste to federal 40 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and 22.4(a) of the Act, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code 720.120; or

2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act, 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

b) Petitions for Identical-In-Substance Rulemaking

1) Any petition for identical-in-substance rulemaking under subsection (a)(1) must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.

2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

c) Petitions for General Rulemaking

1) To be successful using the general rulemaking procedure under subsection (a)(2), the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:

A) It would be appropriate for the waste or category of waste;

B) It would improve management practices for the waste or category of waste; and

C) It would improve implementation of the hazardous waste program.

2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.

3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1).

d) Hazardous waste pharmaceuticals are regulated by Subpart P of 35 Ill. Adm. Code 726, and USEPA's rules prohibit adding them as a category of hazardous waste for management under this Part.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Solid Waste Disposal: General Provisions

2) Code Citation: 35 Ill. Adm. Code 810

3)

Section Numbers:	Adopted Actions:
810.103	Amendment
810.104	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27.

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? Yes

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9861; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between the Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have

substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 810 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 733, and 811. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 810 incorporate needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section
810.101 Scope and Applicability
810.102 Severability
810.103 Definitions
810.104 Incorporations by Reference
810.105 Electronic Reporting

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7253, effective March 13, 2014; amended in R15-8 at 38 Ill. Reg. 23458, effective November 24, 2014; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21304, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15557, effective September 3, 2020.

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act (Act):

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

"Admixtures" are chemicals added to earth materials to improve for a specific application the physical or chemical properties of the earth materials. Admixtures include~~, but are not limited to:~~ lime, cement, bentonite, and sodium silicate.

"Agency" is the Environmental Protection Agency established by the Environmental Protection Act. [415 ILCS 5/3.105]

"Applicant" means the person submitting an application to the Agency for a permit for a solid waste disposal facility.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])

"Bedrock" means the solid rock formation immediately underlying any loose superficial material such as soil, alluvium, or glacial drift.

"Beneficially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that~~which~~ exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.130]

"Borrow area" means an area from which earthen material is excavated for the purpose of constructing daily cover, final cover, a liner, a gas venting system, roadways, or berms.

"Chemical waste" means a non-putrescible solid whose characteristics are such that any contaminated leachate is expected to be formed through chemical or physical processes, rather than biological processes, and no gas is expected to be formed as a result.

"Coal combustion power generating facilities" means establishments that generate

electricity by combusting coal and that~~which~~ utilize a lime or limestone scrubber system.

"Contaminated leachate" means any leachate whose constituent violate the standards of 35 Ill. Adm. Code 811.202.

"Dead animal disposal site" means an on-the-farm disposal site at which the burial of dead animals is done in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and regulations adopted pursuant thereto (8 Ill. Adm. Code 90).

"Design period" means that length of time determined by the sum of the operating life of the solid waste landfill facility plus the post-closure~~postclosure~~ care period necessary to stabilize the waste in the units.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

"Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds, and financial records, that are used to support facts or hypotheses.

"Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Existing facility" or "Existing unit" means a facility or unit that is not defined in

this Section as a new facility or a new unit.

"Existing MSWLF unit" means any municipal solid waste landfill unit that has received household waste before October 9, 1993. [415 ILCS 5/3.285]

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Foundry sand" means pure sand or a mixture of sand and any additives necessary for use of the sand in the foundry process, but does not include such foundry process by-products as air pollution control dust or refractories.

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing, and monitoring installations that collects and transports the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes that

include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, and collecting and draining liquids and gases beneath the ground surface.

"Groundwater" means underground water which occurs within the saturated zone and within geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3 of the Illinois Groundwater Protection Act)

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). [415 ILCS 5/3.230]

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to, cutoff walls, slurry walls, grout curtains, and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

"Iron slag" means slag.

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and that~~which~~ is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993. [415 ILCS 5/3.275]

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste that is compacted into a unit and over which cover is placed.

"Low risk waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Malodor" means an odor caused by *one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be* described as malodorous and that~~which~~ may be *injurious to human, plant, or animal life, to health, or to property, or* may *unreasonably interfere with the enjoyment of life or property.* [415 ILCS 5/3.115] (defining "air pollution")

"Municipal solid waste landfill unit" or "MSWLF unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile. An~~A~~ MSWLF unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. An~~A~~ MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A construction and demolition landfill that receives residential lead-based paint waste and that~~which~~ does not receive any other household waste is not an~~a~~ MSWLF unit. The term injection well is defined in 35 Ill. Adm. Code 730.103. The terms land application unit, surface impoundment, and waste pile are defined in 40 CFR~~C.F.R. §~~ 257.2, incorporated by reference in Section 810.104. The terms construction and demolition landfill and industrial solid waste are defined in 40 CFR 258.2, incorporated by reference in Section 810.104.

BOARD NOTE: A "construction and demolition (C&D) landfill" is a regulatory category of landfill that does not exist in Illinois. It is distinct from a clean construction and demolition debris (CCDD) fill operation under 35 Ill. Adm. Code 1100. A landfill in Illinois that receives residential lead-based paint waste and no other type of household waste would be permitted as a chemical waste landfill or a putrescible waste landfill under Subpart C of 35 Ill. Adm. Code 811, as appropriate.

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

"NPDES permit" means a permit issued under the NPDES program.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements under~~pursuant to~~ Section 21(d) of the Act that had not yet accepted any waste as of September 18, 1990;

It is a landfill or unit not exempt from permit requirements under~~pursuant to~~ Section 21(d) of the Act that had no development or operating permit issued by the Agency under~~pursuant to~~ 35 Ill. Adm. Code 807 as of September 18, 1990; or

It is a landfill with a unit whose maximum design capacity or lateral extent was increased after September 18, 1990.

BOARD NOTE: A new unit located in an existing facility will be considered a unit subject to 35 Ill. Adm. Code 814, which references applicable requirements of 35 Ill. Adm. Code 811.

"New MSWLF unit" means any municipal solid waste landfill unit that has received household waste on or after October 9, 1993 for the first time. [415 ILCS 5/3.285]

"One hundred-year flood plain" means any land area that is subject to a one

percent or greater chance of flooding in a given year from any source.

"One hundred-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

"Operator" means the person responsible for the operation and maintenance of a solid waste disposal facility.

"Owner" means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates and maintains a solid waste disposal facility. The "owner" is the "operator" if there is no other person who is operating and maintaining a solid waste disposal facility.

"Perched watertable" means an elevated watertable above a discontinuous saturated lens, resting on a low permeability (such as clay) layer within a high permeability (such as sand) formation.

"Permit area" means the entire horizontal and vertical region occupied by a permitted solid waste disposal facility.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

"Potentially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Poz-O-Tec materials" means materials produced by a stabilization process patented by Conversion Systems, Inc. utilizing flue gas desulfurization (FGD) sludges and ash produced by coal combustion power generation facilities as raw materials.

"Poz-O-Tec monofill" means a landfill in which solely Poz-O-Tec materials are placed for disposal.

"Professional engineer" means a person who has registered and obtained a seal

underpursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional land surveyor" means a person who has received a certificate of registration and a seal underpursuant to the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or thatwhich is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes that do not meet the definition of inert or chemical wastes will be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Research, development, and demonstration permit" or "RD&D permit" means a permit issued underpursuant to 35 Ill. Adm. Code 813.112.

"Residential lead-based paint waste" means waste containing lead-based paint that is generated as a result of activities such as abatement, rehabilitation, renovation, and remodeling in homes and other residences. The term residential lead-based paint waste includes, but is not limited to, lead-based paint debris, chips, dust, and sludges.

"Resource Conservation and Recovery Act" or "RCRA" means the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 codified as 42 USC. 6901 et

seq.) *as amended.* [415 ILCS 5/3.425]

"Responsible charge", when used to refer to a person, means that the person is normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors, or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit that is not salvaging.

"Seismic slope safety factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil, and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a three-inch sieve.

"Significant modification" means a modification to an approved permit issued by the Agency in accordance with Section 39 of the Act and 35 Ill. Adm. Code 813

that is required when one or more of the following changes (considered significant when that change is measured by one or more parameters whose values lie outside the expected operating range of values as specified in the permit) are planned, occur, or will occur:

An increase in the capacity of the waste disposal unit over the permitted capacity;

Any change in the placement of daily, intermediate, or final cover;

A decrease in performance, efficiency, or longevity of the liner system;

A decrease in efficiency or performance of the leachate collection system;

A change in configuration, performance, or efficiency of the leachate management system;

A change in the final disposition of treated effluent or in the quality of the discharge from the leachate treatment or pretreatment system;

Installation of a gas management system or a decrease in the efficiency or performance of an existing gas management system;

A change in the performance or operation of the surface water control system;

A decrease in the quality or quantity of data from any environmental monitoring system;

A change in the applicable background concentrations or the maximum allowable predicted concentrations;

A change in the design or configuration of the regraded area after development or after final closure;

A change in the amount or type of post-closure~~postclosure~~ financial assurance;

Any change in the permit boundary;

A change in the post-closure~~postclosure~~ land use of the property;

A remedial action necessary to protect groundwater;

Transfer of the permit to a new operator;

Operating authorization is being sought to place into service a structure constructed under~~pursuant to~~ a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Slag" means the fused agglomerate that separates in the iron and steel production and floats on the surface of the molten metal.

"Sole source aquifer" means those aquifers designated under~~pursuant to~~ section 1424(e) of the Safe Drinking Water Act of 1974 (42 USC 300h-3).

"Solid waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and that~~which~~ is not also defined as a hazardous waste under~~pursuant to~~ 35 Ill. Adm. Code 721.

"Special waste" means any industrial process waste, pollution control waste, or hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35 Ill. Adm. Code 808. [415 ILCS 5/3.475]

"Static safety factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Steel slag" means slag.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"Twenty-five-year, 24-hour precipitation event" means a precipitation event of

24-hour duration with a probable recurrence interval of once in 25 years.

"Uppermost aquifer" means the first geologic formation above or below the bottom elevation of a constructed liner or wastes, if~~where~~ no liner is present, that is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permit area.

"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Article 7, Section 1 of the Illinois Constitution. A unit of local government may include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which non-containerized masses of solid, non-flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, this demonstration must include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposal elsewhere.

"Waste stabilization" means any chemical, physical, or thermal treatment of waste, either alone or in combination with biological processes, that results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed of.

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

(Source: Amended at 44 Ill. Reg. 15557, effective September 3, 2020)

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2 (2019)~~(2017)~~ (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

40 CFR 3.3 (2019)~~(2017)~~ (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10 (2019)~~(2017)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000 (2019)~~(2017)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40 (2019)~~(2017)~~ (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

40 CFR 257.2 (2019)~~(2017)~~ (Definitions), referenced in Section 810.103.

40 CFR 258.2 (2019)~~(2017)~~ (Definitions), referenced in Section 810.103.

40 CFR 258.10(a), (b), and (c) (2019)~~(2017)~~ (Airport Safety), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.11(a) (2019)~~(2017)~~ (Floodplains), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.12(a) (2019)~~(2017)~~ (Wetlands), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.13 (2019)~~(2017)~~ (Fault Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.14 (2019)~~(2017)~~ (Seismic Impact Zones), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.15 (2019)~~(2017)~~ (Unstable Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.16(a) (2019)~~(2017)~~ (Closure of Existing Municipal Solid Waste Landfill Units), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.20 (2019)~~(2017)~~ (Procedures for Excluding the Receipt of Hazardous Waste), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.23 (2019)~~(2017)~~ (Explosive Gases Control), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.26 (2019)~~(2017)~~ (Run-on/Run-off Control Systems), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.27 (2019)~~(2017)~~ (Surface Water Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.28 (2019)~~(2017)~~ (Liquids Restrictions), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.29(a) and (c) (2019)~~(2017)~~ (Recordkeeping Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.60(c)(2), (c)(3), (d), (f), (g), and (i) (2019)~~(2017)~~ (Closure Criteria), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.61(a), (c)(3), and (d) (2019)~~(2017)~~ (Post-Closure Care Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.70(a) (2019)~~(2017)~~ ((Financial Assurance) Applicability and Effective Date), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.71(a)(2) (2019)~~(2017)~~ (Financial Assurance for Closure), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.72(a)(1) and (a)(2) (2019)~~(2017)~~ (Financial Assurance for Post-Closure Care), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.73 (2019)~~(2017)~~ (Financial Assurance for Corrective Action), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.74 (2019)~~(2017)~~ (Allowable Mechanisms (for Financial Assurance)), referenced in Appendix A to 35 Ill. Adm. Code 814.

Appendix I of 40 CFR 258 (2019)~~(2017)~~ (Constituents for Detection Monitoring), referenced in 35 Ill. Adm. Code 811.319.

Appendix II of 40 CFR 258 (2019)~~(2017)~~ (List of Hazardous Inorganic and Organic Constituents), referenced in 35 Ill. Adm. Code 811.319.

2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036:

Financial Accounting Standard Board (FASB) Accounting Standards – Current Text, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

American Institute of Certified Public Accountants (AICPA) Professional Standards – Statements on Auditing Standards, June 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

3) ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103, 215-299-5585:

Method D2234-76, "Test Method for Collection of Gross Samples of Coal", approved 1976, referenced in 35 Ill. Adm. Code 817.103.

Method D3987-85, "Standard Test Method for Shake Extraction of Solid Waste with Water", approved 1985, referenced in 35 Ill. Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.

4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116:

Statement 18, Accounting for Municipal Solid Waste Landfill Closure and Post-Closure Care Costs, August 1993, referenced in 35 Ill. Adm. Code 811.716.

5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville, MD 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code 816.530.

6) U.S. Government Printing Office, Washington, DC 20402, 202-783-3238:

Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (Third Edition, Update IIIB, November 2004) (document number EPA-SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill. Adm. Code 811.107.

b) These incorporations include no later amendments or editions.

(Source: Amended at 44 Ill. Reg. 15557, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 811

3)

Section Numbers:	Adopted Actions:
811.319	Amendment
811.320	Amendment
811.Appendix A, Illustration E	Amendment
811.Appendix C	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.40, and 27

5) Effective Date of Rules: September 3, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted August 27, 2020 in consolidated R20-8/R20-16, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 9881; June 5, 2020

10) Has JCAR issued a Statement of Objection to this rulemaking? No. 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).

11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated R20-8/R20-16 summarizes the differences between the amendments adopted in the August 27, 2020 opinion and order and those proposed by the Board on May 21, 2020.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 5, 2020 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated R20-8/R20-16, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

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

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

15) Summary and Purpose of Rulemaking: The Board reserved docket R20-8 to incorporate USEPA amendments adopted during the period January 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules. The Board reserved docket R20-16 to incorporate USEPA amendments adopted during the period July 1, 2019 through June 30, 2019 into the Illinois hazardous waste rules.

The consolidated R20-8/R20-16 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. The amendment to Part 811 is a single segment of consolidated docket R20-8/R20-16 rulemaking that also affects 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 733, and 810. A comprehensive description is contained in the Board's opinion and order of August 27, 2020, adopting amendments in consolidated docket R20-8/R20-16, which opinion and order is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-8/R20-16. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 811 incorporate needed corrections in rule not directly related to USEPA amendments, including corrections to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R20-8/R20-16, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)].

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R20-8/R20-16 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of November 1, 2018 at 312/814-3620. You may also 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 AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section
811.101 Scope and Applicability
811.102 Location Standards
811.103 Surface Water Drainage
811.104 Survey Controls
811.105 Compaction
811.106 Daily Cover
811.107 Operating Standards
811.108 Salvaging
811.109 Boundary Control
811.110 Closure and Written Closure Plan
811.111 Postclosure Maintenance
811.112 Recordkeeping Requirements for MSWLF Units
811.113 Electronic Reporting

SUBPART B: INERT WASTE LANDFILLS

Section
811.201 Scope and Applicability
811.202 Determination of Contaminated Leachate
811.203 Design Period
811.204 Final Cover
811.205 Final Slope and Stabilization
811.206 Leachate Sampling
811.207 Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section

811.301 Scope and Applicability
811.302 Facility Location
811.303 Design Period
811.304 Foundation and Mass Stability Analysis
811.305 Foundation Construction
811.306 Liner Systems
811.307 Leachate Drainage System
811.308 Leachate Collection System
811.309 Leachate Treatment and Disposal System
811.310 Landfill Gas Monitoring
811.311 Landfill Gas Management System
811.312 Landfill Gas Processing and Disposal System
811.313 Intermediate Cover
811.314 Final Cover System
811.315 Hydrogeologic Site Investigations
811.316 Plugging and Sealing of Drill Holes
811.317 Groundwater Impact Assessment
811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
811.319 Groundwater Monitoring Programs
811.320 Groundwater Quality Standards
811.321 Waste Placement
811.322 Final Slope and Stabilization
811.323 Load Checking Program
811.324 Corrective Action Measures for MSWLF Units
811.325 Selection of remedy for MSWLF Units
811.326 Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section
811.401 Scope and Applicability
811.402 Notice to Generators and Transporters
811.403 Special Waste Manifests
811.404 Identification Record
811.405 Recordkeeping Requirements
811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
811.501 Scope and Applicability
811.502 Duties and Qualifications of Key Personnel
811.503 Inspection Activities
811.504 Sampling Requirements
811.505 Documentation
811.506 Foundations and Subbases
811.507 Compacted Earth Liners
811.508 Geomembranes
811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section
811.700 Scope, Applicability and Definitions
811.701 Upgrading Financial Assurance
811.702 Release of Financial Institution
811.703 Application of Proceeds and Appeals
811.704 Closure and Post-Closure Care Cost Estimates
811.705 Revision of Cost Estimate
811.706 Mechanisms for Financial Assurance
811.707 Use of Multiple Financial Mechanisms
811.708 Use of a Financial Mechanism for Multiple Sites
811.709 Trust Fund for Unrelated Sites
811.710 Trust Fund
811.711 Surety Bond Guaranteeing Payment
811.712 Surety Bond Guaranteeing Performance
811.713 Letter of Credit
811.714 Closure Insurance
811.715 Self-Insurance for Non-Commercial Sites
811.716 Local Government Financial Test
811.717 Local Government Guarantee
811.718 Discounting
811.719 Corporate Financial Test
811.720 Corporate Guarantee

811.APPENDIX A Financial Assurance Forms
811.ILLUSTRATION A Trust Agreement
811.ILLUSTRATION B Certificate of Acknowledgment

811.ILLUSTRATION C	Forfeiture Bond
811.ILLUSTRATION D	Performance Bond
811.ILLUSTRATION E	Irrevocable Standby Letter of Credit
811.ILLUSTRATION F	Certificate of Insurance for Closure and/or Post-Closure Care or Corrective Action
811.ILLUSTRATION G	Owner's or Operator's Bond Without Surety
811.ILLUSTRATION H	Owner's or Operator's Bond With Parent Surety
811.ILLUSTRATION I	Letter from Chief Financial Officer
811.APPENDIX B	Section-by-Section correlation between the Standards of the RCRA Subtitle D MSWLF regulations and the Board's nonhazardous waste landfill regulations.
811.APPENDIX C	List of Leachate Monitoring Parameters

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. 18882, effective October 24, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7259, effective March 13, 2014; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21330, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15577, effective September 3, 2020.

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.319 Groundwater Monitoring Programs

a) Detection Monitoring Program. Any use of the term maximum allowable predicted concentration in this Section is a reference to Section 811.318(c). The operator must implement a detection monitoring program in accordance with the following requirements:

1) Monitoring Schedule and Frequency

A) The monitoring period must begin as soon as waste is placed into the unit of a new landfill or before September 18, 1991~~within one year of September 18, 1990~~ for an existing landfill. Monitoring must continue for a minimum period of 15 years after closure, or in the case of MSWLF units, a minimum period of 30 years after closure, except as otherwise provided by subsection (a)(1)(C). The operator must sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), for a period of five years from the date of issuance of the initial permit for significant modification under 35 Ill. Adm. Code 814.104 or a permit for a new unit under~~pursuant to~~ 35 Ill. Adm. Code 813.104. After the initial five-year period, the sampling frequency for each monitoring point must be reduced to a semi-annual basis, provided the operator has submitted the certification described in 35 Ill. Adm. Code 813.304(b). Alternatively, after the initial five-year period, the Agency must allow sampling on a semi-annual basis if~~where~~ the operator demonstrates that monitoring effectiveness has not been compromised, that sufficient quarterly data has been collected to characterize groundwater, and that leachate from the monitored unit does not constitute a threat to groundwater. For the purposes of this Section, the source must be considered a threat to groundwater if the results of the monitoring indicate either that the concentrations of any of the constituents monitored within the zone of attenuation is above the maximum allowable predicted concentration for that constituent or, for existing landfills, subject to Subpart D of 35 Ill. Adm. Code 814, that the concentration of any constituent has exceeded the applicable standard at the compliance boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).

B) Beginning 15 years after closure of the unit, or five years after all

other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring must return to a quarterly schedule at any well if~~where~~ a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.

i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or

ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.

C) Monitoring must be continued for a minimum period of: 30 years after closure at MSWLF units, except as otherwise provided by subsections (a)(1)(D) and (a)(1)(E); five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing waste generated at the site; or 15 years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued under the following conditions:

i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or

ii) Immediately after contaminated leachate is no longer generated by the unit.

D) The Agency may reduce the groundwater monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and

environment.

E) An owner or operator of a MSWLF unit must petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the post-closure care monitoring period for all of the following requirements:

i) Inspection and maintenance (Section 811.111);

ii) Leachate collection (Section 811.309);

iii) Gas monitoring (Section 811.310); and

iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (a)(1)(A), (a)(1)(C), (a)(1)(D), and (a)(1)(E) are derived from 40 CFR 258.61 ~~(2017)~~.

2) Criteria for Choosing Constituents to be Monitored

A) The operator must monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents must be chosen for monitoring if they meet the following requirements:

i) The constituent appears in, or is expected to be in, the leachate; and

ii) Is contained within the following list of constituents:

Ammonia nitrogen~~Nitrogen~~ (dissolved) (CAS No. 7664-41-7)
Arsenic (dissolved) (CAS No. 7440-38-2)
Boron (dissolved) (CAS No. 7440-42-8)
Cadmium (dissolved) (CAS No. 7440-43-9)
Chloride (dissolved) (CAS No. 16887-00-6)
Chromium (dissolved) (CAS No. 7447-47-3)
Cyanide (total) (CAS No. 57-12-5)
Lead (dissolved) (CAS No. 7439-92-1)

Magnesium (dissolved) (CAS No. 7439-95-4)
Mercury (dissolved) (CAS No. 7439-97-6)
Nitrate (dissolved) (CAS No. 14797-55-8)
Sulfate (dissolved) (CAS No. 14808-79-8)
Total dissolved solids~~Dissolved Solids~~ (TDS)
Zinc (dissolved) (CAS No. 7440-66-6)

iii) This is the minimum list for MSWLFs.

iv) Any facility accepting more than 50% by volume non-municipal waste must determine additional indicator parameters based upon leachate characteristic and waste content.

B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Agency approved permit.

3) Organic Chemicals Monitoring. The operator must monitor each existing well that is being used as a part of the monitoring well network at the facility before September 18, 1991~~within one year after September 18, 1990~~, and monitor each new well within the three months after its establishment. The monitoring required by this subsection (a)(3) must be for a broad range of organic chemical contaminants in accordance with the following procedures:

A) The analysis must be at least as comprehensive and sensitive as the tests for the 51 organic chemicals in drinking water described at 40 CFR 141.40 and appendix I of 40 CFR 258~~(2017)~~, each incorporated by reference at 35 Ill. Adm. Code 810.104 and:

Acetone (CAS No. 67-64-1)
Acrylonitrile (CAS No. 107-13-1)
~~Benzene~~
Benzene (CAS No. 71-43-2)
Bromobenzene (CAS No. 108-86-1)

Bromochloromethane (CAS No. 74-97-5)
Bromodichloromethane (CAS No. 75-27-0)
Bromoform; tribromomethane (CAS No. 75-25-2)~~Tribromomethane~~
n-Butylbenzene (CAS No. 104-51-8)
sec-Butylbenzene (CAS No. 135-98-8)
tert-Butylbenzene (CAS No. 98-06-6)
Carbon disulfide (CAS No. 75-15-0)
Carbon tetrachloride (CAS No. 56-23-5)
Chlorobenzene (CAS No. 108-90-7)
Chloroethane (CAS No. 75-00-3)
Chloroform; trichloromethane (CAS No. 67-66-3)~~Trichloromethane~~
o-Chlorotoluene (CAS No. 95-49-8)
p-Chlorotoluene (CAS No. 106-43-4)
Dibromochloromethane (CAS No. 124-48-1)
1,2-Dibromo-3-chloropropane (CAS No. 106-43-4)
1,2-Dibromoethane (CAS No. 106-93-4)
1,2-Dichlorobenzene (CAS No. 95-50-1)
1,3-Dichlorobenzene (CAS No. 541-73-1)
1,4-Dichlorobenzene (CAS No. 106-46-7)
trans-1,4-Dichloro-2-butene (CAS No. 110-57-6)
Dichlorodifluoromethane (CAS No. 75-71-8)
1,1-Dichloroethane (CAS No. 75-34-3)
1,2-Dichloroethane (CAS No. 107-06-2)
1,1-Dichloroethylene (CAS No. 75-35-4)
cis-1,2-Dichloroethylene (CAS No. 156-59-2)
trans-1,2-Dicloroethylene (CAS No. 156-60-5)
1,2-Dichloropropane (CAS No. 78-87-5)
1,3-Dichloropropane (CAS No. 142-28-9)
2,2-Dichloropropane (CAS No. 594-20-7)

1,1-Dichloropropene (CAS No. 563-58-6)
1,3-Dichloropropene (CAS No. 542-75-6)
cis-1,3-Dichloropropene (CAS No. 10061-01-5)
trans-1,3-Dichloropropene (CAS No. 10061-02-6)
Ethylbenzene (CAS No. 100-41-4)
Hexachlorobutadiene (CAS No. 87-68-3)
2-Hexanone; methyl~~Methyl~~ butyl ketone (CAS No. 591-78-6)
Isopropylbenzene (CAS No. 98-82-8)
p-Isopropyltoluene (CAS No. 99-87-6)
Methyl bromide; bromomethane (CAS No. 74-83-9)~~Bromomethane~~
Methyl chloride; chloromethane (CAS No. 74-87-3)~~Chloromethane~~
Methylene bromide; dibromomethane (CAS No. 74-95-3)~~Dibromomethane~~
Dichloromethane (CAS No. 75-09-2)
Methyl ethyl ketone (CAS No. 78-93-3)
Methyl iodide; iodomethane (CAS No. 74-88-4)~~Iodomethane~~
4-Methyl-2-pentanone (CAS No. 108-10-1)
Naphthalene (CAS No. 91-20-3)
Oil and Grease (hexane soluble)
n-Propylbenzene (CAS No. 103-65-1)
Styrene (CAS No. 100-42-5)
1,1,1,2-Tetrachloroethane (CAS No. 630-20-6)
1,1,2,2-Tetrachloroethane (CAS No. 79-34-5)
Tetrachloroethylene (CAS No. 127-18-4)
Tetrahydrofuran (CAS No. 109-99-9)
Toluene (CAS No. 108-88-3-23-8)
Total Phenolics
1,2,3-Trichlorobenzene
1,2,4-Trichlorobenzene (CAS No. 120-82-1)

~~1,2,4-Trichlorbenzene~~
1,1,1-Trichloroethane (CAS No. 71-55-6)
1,1,2-Trichloroethane (CAS No. 79-00-5)
Trichloroethylene (CAS No. 79-01-6)
Trichlorofluoromethane (CAS No. 75-69-4)
1,2,3-Trichloropropane (CAS No. 96-18-4)
1,2,4-Trimethylbenzene (CAS No. 526-73-8)
1,3,5-Trimethylbenzene (CAS No. 108-67-8)
Vinyl acetate (CAS No. 108-05-4)
Vinyl chloride (CAS No. 75-01-4)
Xylenes (CAS No. 1330-20-7)

B) At least once every two years, the operator must monitor each well in accordance with subsection (a)(3)(A).

C) The operator of a MSWLF unit must monitor each well in accordance with subsection (a)(3)(A) on a semi-annual basis.

BOARD NOTE: Subsection (a)(3)(C) is derived from 40 CFR 258.54(b) ~~(2017)~~.

4) Confirmation of Monitored Increase

A) The confirmation procedures of this subsection must be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator must institute the confirmation procedures of subsection (a)(4)(B) after notifying the Agency in writing, within 10 days, of observed increases:

i) The concentration of any inorganic constituent monitored in accordance with subsections (a)(1) and (a)(2) shows a progressive increase over eight consecutive monitoring events;

ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;

iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and

iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.

B) The confirmation procedures must include the following:

i) The operator must verify any observed increase by taking additional samples within 90 days after the initial sampling event and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with Section 811.320(e), so as to confirm the observed increase. The operator must notify the Agency of any confirmed increase before the end of the next business day following the confirmation.

ii) The operator must determine the source of any confirmed increase, which may include, but must not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.

iii) The operator must notify the Agency in writing of any confirmed increase. The notification must demonstrate a source other than the facility and provide the rationale used in such a determination. The notification must be submitted to the Agency no later than 180 days after the original sampling event. If the facility is permitted by the Agency, the notification must be filed for review as a significant permit modification under~~pursuant to~~ Subpart B

of 35 Ill. Adm. Code 813.

iv) If an alternative source demonstration described in subsections (a)(4)(B)(ii) and (a)(4)(B)(iii) cannot be made, assessment monitoring is required in accordance with subsection (b).

v) If an alternative source demonstration, submitted to the Agency as an application, is denied under~~pursuant to~~ 35 Ill. Adm. Code 813.105, the operator must commence sampling for the constituents listed in subsection (b)(5), and submit an assessment monitoring plan as a significant permit modification, both within 30 days after the dated notification of Agency denial. The operator must sample the well or wells that exhibited the confirmed increase.

b) Assessment Monitoring. The operator must begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program must be conducted in accordance with the following requirements:

1) The assessment monitoring must be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit must comply with the additional requirements prescribed in subsection (b)(5). The assessment monitoring must consist of monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature and extent of the contamination, which may consist of, but need not be limited to the following:

A) More frequent sampling of the wells in which the observation occurred;

B) More frequent sampling of any surrounding wells; and

C) The placement of additional monitoring wells to determine the

source and extent of the contamination.

2) Except as provided for in subsections (a)(4)(B)(iii) and (a)(4)(B)(v), the operator of the facility for which assessment monitoring is required must file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans must be filed for review as a significant permit modification under~~pursuant to~~ Subpart B of 35 Ill. Adm. Code 813 within 180 days after the original sampling event. The assessment monitoring program must be implemented within 180 days after the original sampling event in accordance with subsection (a)(4) or, in the case of permitted facilities, within 45 days after Agency approval.

3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator must determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and must implement the remedial action in accordance with subsection (d).

4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator must conduct a groundwater impact assessment in accordance with the requirements of subsection (c).

5) In addition to the requirements of subsection (b)(1), to collect information to assess the nature and extent of groundwater contamination, the following requirements are applicable to MSWLF units:

A) The monitoring of additional constituents under~~pursuant to~~ subsection (b)(1) must include, at a minimum (except as otherwise provided in subsection (b)(5)(E)), the constituents listed in appendix II of 40 CFR 258, incorporated by reference at 35 Ill. Adm. Code 810.104, and constituents from 35 Ill. Adm. Code 620.410.

BOARD NOTE: Subsection (b)(5)(A) is derived from 40 CFR 258.55(b) ~~(2017)~~.

B) Within 14 days after obtaining the results of sampling required under subsection (b)(5)(A), the owner or operator must do as follows:

i) The owner or operator must place a notice in the operating record identifying the constituents that have been detected; and

ii) The owner or operator must notify the Agency that such a notice has been placed in the operating record.

BOARD NOTE: Subsection (b)(5)(B) is derived from 40 CFR 258.55(d)(1) ~~(2017)~~.

C) The owner or operator must establish background concentrations for any constituents detected under~~pursuant to~~ subsection (b)(5)(A) in accordance with Section 811.320(e).

BOARD NOTE: Subsection (b)(5)(C) is derived from 40 CFR 258.55(d)(3) ~~(2017)~~.

D) Within 90 days after the initial monitoring in accordance with subsection (b)(5)(A), the owner or operator must monitor for the detected constituents listed in appendix II of 40 CFR 258, incorporated by reference in 35 Ill. Adm. Code 810.104, and 35 Ill. Adm. Code 620.410 on a semiannual basis during the assessment monitoring. The operator must monitor all the constituents listed in appendix II of 40 CFR 258 and 35 Ill. Adm. Code 620.410 on an annual basis during assessment monitoring.

BOARD NOTE: Subsection (b)(5)(D) is derived from 40 CFR 258.55(d)(2) ~~(2017)~~.

E) The owner or operator may request the Agency to delete any of the 40 CFR 258 and 35 Ill. Adm. Code 620.410 constituents by

demonstrating to the Agency that the deleted constituents are not reasonably expected to be in or derived from the waste contained in the leachate.

BOARD NOTE: Subsection (b)(5)(E) is derived from 40 CFR 258.55(b) ~~(2017)~~.

F) Within 14 days after finding an exceedance above the applicable groundwater quality standards in accordance with subsection (b)(3), the owner or operator must do as follows:

i) The owner or operator must place a notice in the operating record that identifies the constituents monitored under subsection (b)(1)(D) that have exceeded the groundwater quality standard;

ii) The owner or operator must notify the Agency and the appropriate officials of the local municipality or county within whose boundaries the site is located that such a notice has been placed in the operating record; and

iii) The owner or operator must notify all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

BOARD NOTE: Subsection (b)(5)(F) is derived from 40 CFR 258.55(g)(1)(i) through (g)(1)(iii) ~~(2017)~~.

G) If the concentrations of all constituents in appendix II of 40 CFR 258, incorporated by reference in 35 Ill. Adm. Code 810.104, and 35 Ill. Adm. Code 620.410 are shown to be at or below background values, using the statistical procedures in Section 811.320(e), for two consecutive sampling events, the owner or operator must notify the Agency of this finding and may stop monitoring the appendix II of 40 CFR 258 and 35 Ill. Adm. Code 620.410 constituents.

BOARD NOTE: Subsection (b)(5)(G) is derived from 40 CFR

258.55(e)~~ (2017)~~.

c) Assessment of Potential Groundwater Impact. An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) must assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following requirements apply:

1) The operator must utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and

2) The operator must submit the groundwater impact assessment and any proposed remedial action plans determined necessary under~~pursuant to~~ subsection (d) to the Agency within 180 days after the start of the assessment monitoring program.

d) Remedial Action. The owner or operator of a MSWLF unit must conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, must conduct remedial action in accordance with this subsection (d).

1) The operator must submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring must be submitted within 90 days after determination of either of the following:

A) The groundwater impact assessment, performed in accordance with subsection (c), indicates that remedial action is needed; or

B) Any confirmed increase above the applicable groundwater quality standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b).

2) If the facility has been issued a permit by the Agency, then the operator must submit this information as an application for significant modification

to the permit;

3) The operator must implement the plan for remedial action program within 90 days after the following:

A) Completion of the groundwater impact assessment that requires remedial action;

B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3); or

C) Agency approval of the remedial action plan, if~~where~~ the facility has been permitted by the Agency.

4) The remedial action program must consist of one or a combination of one of more of the following solutions:

A) Retrofit additional groundwater protective measures within the unit;

B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system;

C) Pump and treat the contaminated groundwater; or

D) Any other equivalent technique that~~which~~ will prevent further contamination of groundwater.

5) Termination of the Remedial Action Program

A) The remedial action program must continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum allowable predicted concentration within the zone of attenuation, below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of four consecutive quarters no longer exist.

B) The operator must submit to the Agency all information collected under subsection (d)(5)(A). If the facility is permitted, then the operator must submit this information as a significant modification of the permit.

(Source: Amended at 44 Ill. Reg. 15577, effective September 3, 2020)

Section 811.320 Groundwater Quality Standards

a) Applicable Groundwater Quality Standards

1) Groundwater quality must be maintained at each constituent's background concentration, at or beyond the zone of attenuation. The applicable groundwater quality standard established for any constituent must be:

A) The background concentration; or

B) The Board established standard adjusted by the Board in accordance with the justification procedure of subsection (b).

2) Any statistically significant increase above an applicable groundwater quality standard established under~~pursuant to~~ subsection (a)(1) that is attributable to the facility and that~~which~~ occurs at or beyond the zone of attenuation within 100 years after closure of the last unit accepting waste within such a facility must constitute a violation.

3) For the purposes of this Part:

A) "Background concentration" means that concentration of a constituent that is established as the background in accordance with subsection (d); and

B) "Board established standard" is the concentration of a constituent adopted by the Board as a groundwater quality standard adopted by the Board under~~pursuant to~~ Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55].

b) Justification for Adjusted Groundwater Quality Standards

1) An operator may petition the Board for an adjusted groundwater quality standard in accordance with the procedures specified in Section 28.1 of the Act and 35 Ill. Adm. Code 104.Subpart D.

2) For groundwater that~~which~~ contains naturally occurring constituents that~~which~~ meet the applicable requirements of 35 Ill. Adm. Code 620.410, 620.420, 620.430, or 620.440 the Board will specify adjusted groundwater quality standards no greater than those of 35 Ill. Adm. Code 620.410, 620.420, 620.430 or 620.440, respectively, upon a demonstration by the operator that:

A) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for the water;

B) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and

C) All technically feasible and economically reasonable methods are being used to prevent the degradation of the groundwater quality.

3) Notwithstanding subsection (b)(2), in no case must the Board specify adjusted groundwater quality standards for a MSWLF unit greater than the following levels:

Chemical	Concentration (mg/ℓ)
Arsenic (CAS No. 7440-38-2)	0.05
Barium (CAS No. 7440-39-3)	1.0
Benzene (CAS No. 71-43-2)	0.005
Cadmium (CAS No. 7440-43-9)	0.01
Carbon tetrachloride (CAS No. 56-23-5)	0.005
Chromium (hexavalent) (CAS No. 18540-29-9)	0.05
~~2,4 Dichlorophenoxy acetic acid~~	~~0.1~~

1,4-Dichlorobenzene (CAS No. 106-46-7)	0.075
1,2-Dichloroethane (CAS No. 107-06-2)	0.005
1,1-Dichloroethylene (CAS No. 75-35-4)	0.007
2,4-Dichlorophenoxy acetic acid (CAS No. 94-75-7)	0.1
Endrin (CAS No. 72-20-8)	0.0002
Fluoride (CAS No. 16984-48-8)	4
Lindane (CAS No. 58-89-9)	0.004
Lead (CAS No. 7439-92-1)	0.05
Mercury (CAS No. 7439-97-6)	0.002
Methoxychlor (CAS No. 72-43-5)	0.1
Nitrate (CAS No. 14797-55-8)	10
Selenium (CAS No. 7782-49-2)	0.01
Silver (CAS No. 7440-22-4)	0.05
Toxaphene (CAS No. 8001-35-2)	0.005
l,l,l-Trichloroethane (CAS No. 71-55-6) ~~1,1,1-Trichloromethane~~	0.2
Trichloroethylene (CAS No. 79-01-6)	0.005
2,4,5-Trichlorophenoxyacetic acid (CAS No. 93-76-5) ~~2,4,5-Trichlorophenoxy acetic acid~~	0.01
Vinyl chloride (CAS No. 75-01-4)~~Chloride~~	0.002

BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 258.40 Table 1.

4) For groundwater that contains naturally occurring constituents that~~which~~ do not meet the standards of 35 Ill. Adm. Code 620.410, 620.420, 620.430, or 620.440, the Board will specify adjusted groundwater quality standards, upon a demonstration by the operator that:

A) The groundwater does not presently serve as a source of drinking water;

B) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for those waters;

C) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social

disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and

D) The groundwater cannot presently, and will not in the future, serve as a source of drinking water because:

i) It is impossible to remove water in usable quantities;

ii) The groundwater is situated at a depth or location such that recovery of water for drinking purposes is not technologically feasible or economically reasonable;

iii) The groundwater is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption;

iv) The total dissolved solids content of the groundwater is more than 3,000 mg/ℓ and that water will not be used to serve a public water supply system; or

v) The total dissolved solids content of the groundwater exceeds 10,000 mg/ℓ.

c) Determination of the Zone of Attenuation

1) The zone of attenuation, within which concentrations of constituents in leachate discharged from the unit may exceed the applicable groundwater quality standard of this Section, is a volume bounded by a vertical plane at the property boundary or 100 feet from the edge of the unit, whichever is less, extending from the ground surface to the bottom of the uppermost aquifer and excluding the volume occupied by the waste.

2) Zones of attenuation must not extend to the annual high-water~~high water~~ mark of navigable surface waters.

3) Overlapping zones of attenuation from units within a single facility may be combined into a single zone for the purposes of establishing a

monitoring network.

d) Establishment of Background Concentrations

1) The initial monitoring to determine background concentrations must commence during the hydrogeological assessment required by Section 811.315. The background concentrations for those parameters identified in Sections 811.315(e)(1)(G) and 811.319(a)(2) and (a)(3) must be established based on consecutive quarterly sampling of wells for a minimum of one year, monitored in accordance with the requirements of subsections (d)(2), (d)(3) and (d)(4). Non-consecutive data may be considered by the Agency, if only one data point from a quarterly event is missing, and it can be demonstrated that the remaining data set is representative of consecutive data in terms of any seasonal or temporal variation. Statistical tests and procedures must be employed, in accordance with subsection (e), depending on the number, type and frequency of samples collected from the wells, to establish the background concentrations.

2) Adjustments to the background concentrations must be made if changes in the concentrations of constituents observed in background wells over time are determined, in accordance with subsection (e), to be statistically significant, and due to natural temporal or spatial variability or due to an off-site source not associated with the landfill or the landfill activities. Such adjustments may be conducted no more frequently than once every two years during the operation of a facility and modified subject to approval by the Agency. Non-consecutive data may be used for an adjustment upon Agency approval. Adjustments to the background concentration must not be initiated prior to November 27, 2009 unless required by the Agency.

3) Background concentrations determined in accordance with this subsection must be used for the purposes of establishing groundwater quality standards, in accordance with subsection (a). The operator must prepare a list of the background concentrations established in accordance with this subsection. The operator must maintain such a list at the facility, must submit a copy of the list to the Agency for establishing standards in accordance with subsection (a), and must provide updates to the list within ten days of any change to the list.

4) A network of monitoring wells must be established upgradient from the unit, with respect to groundwater flow, in accordance with the following standards, in order to determine the background concentrations of constituents in the groundwater:

A) The wells must be located at such a distance that discharges of contaminants from the unit will not be detectable;

B) The wells must be sampled at the same frequency as other monitoring points to provide continuous background concentration data, throughout the monitoring period; and

C) The wells must be located at several depths to provide data on the spatial variability.

5) A determination of background concentrations may include the sampling of wells that are not hydraulically upgradient of the waste unit if the following conditions are met~~where~~:

A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient of the waste; and

B) Sampling at other wells will provide an indication of background concentrations that is representative of that which would have been provided by upgradient wells.

6) If background concentrations cannot be determined on site, then alternative background concentrations may be determined from actual monitoring data from the aquifer of concern, which includes, but is not limited to, data from another landfill site that overlies the same aquifer.

e) Statistical Analysis of Groundwater Monitoring Data

1) Statistical tests must be used to analyze groundwater monitoring data. One or more of the normal theory statistical tests must be chosen first for analyzing the data set or transformations of the data set. If these normal theory tests are demonstrated to be inappropriate, tests listed in subsection

(e)(4) must be used. The level of significance (Type I error level) must be no less than 0.01, for individual well comparisons, and no less than 0.05, for multiple well comparisons. The statistical analysis must include, but not be limited to, the accounting of data below the detection limit of the analytical method used, the establishment of background concentrations and the determination of whether statistically significant changes have occurred in:

A) The concentration of any chemical constituent with respect to the background concentration or maximum allowable predicted concentration; and

B) The established background concentration of any chemical constituents over time.

2) The statistical test or tests used must be based upon the sampling and collection protocol of Sections 811.318 and 811.319.

3) Monitored data that are below the level of detection must be reported as not detected (ND). The level of detection for each constituent must be the practical quantitation limit (PQL)~~,~~ and must be the lowest concentration that is protective of human health and the environment, and can be achieved within specified limits of precision and accuracy during routine laboratory operating conditions. In no case, must the PQL be established above the level that the Board has established for a groundwater quality standard under the Illinois Groundwater Protection Act. The following procedures must be used to analyze such data, unless an alternative procedure in accordance with subsection (e)(4), is shown to be applicable:

A) If the percentage of non-detects~~nondetects~~ in the data base used is less than 15 percent, the operator must replace NDs with the PQL divided by two, then proceed with the use of one or more of the normal theory statistical tests;

B) If the percentage of non-detects~~nondetects~~ in the data base used is between 15 and 50 percent, and the data are normally distributed, the operator must use Cohen's or Aitchison's adjustment to the sample mean and standard deviation, followed by an applicable statistical procedure;

C) If the percentage of non-detects~~nondetects~~ in the database used is above 50 percent, then the owner or operator must use an alternative procedure in accordance with subsection (e)(4).

4) Nonparametric statistical tests or any other statistical test if it is demonstrated to meet the requirements of 35 Ill. Adm. Code 724.197(i).

~~BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 258.40 Table 1 (2017).~~

(Source: Amended at 44 Ill. Reg. 15577, effective September 3, 2020)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language that does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U.S. dollars ($ _____) available upon presentation of:

1. your sight draft, bearing references to this letter of credit No. _____; and

2. your signed statement reading as follows: "I certify that the amount of the draft is payable under~~pursuant to~~ regulations issued under authority of the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 811.713(e)."

This letter of credit is effective as of _____ [date] and will~~shall~~ expire on _____ [date] at least one year later]; but that expiration date will~~shall~~ be automatically extended for a period of [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and _____ _____ [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. The 120 days will begin on the date when both the _____ [owner's or operator's name] and the IEPA have received the notice, as evidenced by the return receipts. In the event you are

so notified, any unused portion of the credit will~~shall~~ be available upon presentation of your sight draft for 120 days after the date of receipt by both you and _____ _____ [owner's or operator's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we will~~shall~~ duly honor that draft upon presentation to us, and we will~~shall~~ deposit the amount of the draft directly into the State of Illinois Landfill Closure and Post-Closure or Corrective Action Fund in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration E as that regulation was constituted on the date shown below.

Signature _____

Typed Name _____

Title _____

Date _____

Name and address of issuing institution _____

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce"~~,~~ or "the Uniform Commercial Code"] .

(Source: Amended at 44 Ill. Reg. 15577, effective September 3, 2020)

Section 811.APPENDIX C List of Leachate Monitoring Parameters

~~pH~~
~~Elevation Leachate Surface~~
~~Bottom of Well Elevation~~
~~Leachate Level from Measuring Point~~
~~Arsenic (total)~~
~~Barium (total)~~
~~Cadmiun (total) mg/l~~
~~Iron (total)~~
~~Ammonia Nitrogen – N~~
~~Bacteria (Fecal Coliform)~~
~~Biochemical Oxygen Demand (BOD5)~~
~~1,1,1,2-Tetrachloroethane~~
~~1,1,1-Trichloroethane~~
~~1,1,2,2-Tetrachloroethane~~
~~1,1,2-Trichloroethane~~
~~1,1-Dichloroethane~~
~~1,1-Dichloroethylene~~
~~1,1-Dichloropropene~~
~~1,2,3-Trichlorobenzene~~
~~1,2,3-Trichloropropane~~
~~1,2,4-Trichlorobenzene~~
~~1,2,4-Trimethylbenzene~~
~~1,2-Dibromo-3-Chloropropane~~
~~1,2-Dichloroethane~~
~~1,2-Dichloropropane~~
~~1,3,5-Trimethylbenzene~~
~~1,3-Dichloropropane~~
~~1,3-Dichloropropene~~
~~1,4-Dichloro-2-Butene~~

~~1-Propanol~~

~~2,2-Dichloropropane~~

~~2,4,5-tp (Silvex)~~

~~2,4,6-Trichlorophenol~~

~~2,4-Dichlorophenol~~

~~2,4-Dichlorophenoxyacetic Acid (2,4-D)~~

~~2,4-Dimethylphenol~~

~~2,4-Dinitrotoluene~~

~~2,4-Dinitrophenol~~

~~2,6-Dinitrotoluene~~

~~2-Chloroethyl Vinyl Ether~~

~~2-Chloronaphthalene~~

~~2-Chlorophenol~~

~~2-Hexanone~~

~~2-Propanol (Isopropyl Alcohol)~~

~~3,3-Dichlorobenzidine~~

~~4,4-DDD~~

~~4,4-DDE~~

~~4,4-DDT~~

~~4,6-Dinitro-o-Cresol~~

~~4-Bromophenyl Phenyl Ether~~

~~4-Chlorophenyl Phenyl Ether~~

~~4-Methyl-2-Pentanone~~

~~4-Nitrophenol~~

Acenaphthene (1,2-dihydroacenaphthylene; CAS No. 83-32-9)

Acetone (dimethyl ketone, propan-2-one; CAS No. 67-64-1)

Alachlor (2-chloro-N-(2,6-diethylphenyl)-N-(methoxymethyl)acetamide; CAS No. 15972-60-8)

Aldicarb (2-methyl-2-(methylthio)propanal O-((methylamino)carbonyl)oxime; CAS No. 116-06-3)

Aldrin (CAS No. 309-00-2)

α-BHC ((1α,2α,3β,4α,5β,6β)-1,2,3,4,5,6-hexachlorocyclohexane, α-hexachlorocyclohexane; CAS No. 319-84-6)

~~Alpha - BHC~~

β-BHC ((1α,2β,3α,4β,5α,6β)-1,2,3,4,5,6-hexachlorocyclohexane, β-hexachlorocyclohexane; CAS No. 319-85-7)

δ-BHC ((1α,2α,3α,4β,5α,6β)-1,2,3,4,5,6-hexachlorocyclohexane, δ-hexachlorocyclohexane; CAS No. 319-86-8)

Aluminum (CAS No. 7429-90-5)

Ammonia nitrogen as N (CAS No. 7664-41-7)

Anthracene (CAS No. 120-12-7)

Antimony (CAS No. 7440-36-0)

Arsenic (total) (CAS No. 7440-38-2)

Atrazine (6-chloro-N-ethyl-N-(propan-2-yl)-1,3,5-triazine-2,4-diamine; CAS No. 1912-24-9)

Bacteria (fecal coliform)

Barium (total) (CAS No. 7440-39-3)

Benzene (CAS No. 71-43-2)

Benzo(a)anthracene (tetraphene; CAS No. 56-55-3)

~~Benzo (a) Anthracene~~

~~Benzo (a) Pyrene~~

Benzo(b)fluoranthene (benz(e)acephenanthrylene; CAS No. 205-99-2)

~~Benzo (b) Fluoranthene~~

Benzo(k)fluoranthene (CAS No. 207-08-9)

Benzo(ghi)perylene (CAS No. 191-24-2)

~~Benzo (ghi) Perylene~~

Benzo(a)pyrene (benzo(pqr)tetraphene; CAS No. 50-32-8)

~~Benzo (k) Fluoranthene~~

Beryllium (total) (CAS No. 7440-41-7)

~~Beta - BHC~~

Bicarbonate (CAS No. 71-52-3)

Biochemical oxygen demand (BOD_5)

Bis(2-chloro-1-methylethyl) ether (1-chloro-2-(1-chloropropan-2-yloxy)propane, 2,2'-oxybis(1-chloropropane); CAS No. 108-60-1)

~~Bis (2-Chloro-1-Methylethyl) Ether~~

Bis(2-chloroethoxy)methane (1-chloro-2-(2-chloroethoxymethoxy)ethane, 1,1'-(methylenebis(oxy))bis(2-chloroethane); CAS No. 111-91-1)

~~Bis (2-Chloroethoxy) Methane~~

Bis(2-chloroethyl) ether (1-chloro-2-(2-chloroethoxy)ethane; CAS No. 111-44-4)

~~Bis (2-Chloroethyl) Ether~~

Bis(2-ethylhexyl) ether (3-(2-ethylhexoxymethyl)heptane; CAS No. 10143-60-9)

~~Bis (2-Ethylhexyl) Ether~~

Bis(2-ethylhexyl) phthalate (bis(2-ethylhexyl) benzene-1,2-dicarboxylate; CAS No. 117-81-7)

~~Bis (2-Ethylhexyl) Phthalate~~

Bis(chloromethyl) ether (chloro(chloromethoxy)methane, 1,1'-oxybis(1-cloromethane); CAS No. 542-88-1)

~~Bis(Chloromethyl) Ether~~

Boron (CAS No. 7440-42-8)

Bottom of well elevation

Bromobenzene (CAS No. 108-86-1)

Bromochloromethane (CAS No. 74-97-5)

Bromodichloromethane (CAS No. 75-27-0)

Bromoform (tribromomethane; CAS No. 75-25-2)

Bromomethane (CAS No. 74-83-9)

4-Bromophenyl phenyl ether (1-bromo-4-phenoxybenzene; CAS No. 101-55-3)

Butanol (including four structural isomers, one of which has two stereoisomers: n-butanol (butan-1-ol; CAS No. 71-36-3), sec-butanol (butan-2-ol; CAS No. 78-92-2 (for both stereoisomers)), isobutanol (2-methylpropan-1-ol; CAS No. 78-83-1), and tert-butanol (2-methylpropan-2-ol; CAS No. 75-65-0)

n-Butylbenzene (butyl benzene, 1-butylbenzene; CAS No. 104-51-8)

sec-Butylbenzene (butan-2-ylbenzene, (1-methylpropyl)benzene; CAS No. 135-98-8)

tert-Butylbenzene (1,1-dimethylethylbenzene; CAS No. 98-06-6)

Butyl benzyl phthalate (benzyl butyl benzene-1,2-dicarboxylic acid; CAS No. 85-68-7)~~Benzyl Phthalate~~

Cadmium (total) (CAS No. 7440-43-9)

Calcium (CAS No. 7440-70-2)~~mg/l~~

Carbofuran ((2,2-dimethyl-3H-1-benzofuran-7-yl) N-methylcarbamate, 2,2-dimethyl-2,3-dihydro-1-benzofuran-7-yl N-methylcarbamate; CAS No. 1563-66-2)

Carbon disulfide (methanedithione; CAS No. 75-15-0)~~Disulfide~~

Carbon tetrachloride (tetrachloromethane; CAS No. 56-23-5)~~Tetrachloride~~

Chemical oxygen demand ~~Oxygen Demand~~ (COD)

Chlordane (including two stereoisomers; 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindane; CAS No. 57-74-9)

Chloride (CAS No. 16887-00-6)~~mg/l~~

Chlorobenzene (CAS No. 108-90-7)

Chloroethane (CAS No. 75-00-3)

2-Chloroethyl vinyl ether ((2-chloroethoxy)ethene; CAS No. 110-75-8)

Chloroform (trichloromethane; CAS No. 67-66-3)

Chloromethane (CAS No. 74-87-3)

2-Chloronaphthalene (CAS No. 91-58-7)

2-Chlorophenol (o-chlorophenol; CAS No. 95-57-8)

4-Chlorophenyl phenyl ether (1-chloro-4-phenoxybenzene, p-chlorophenyl phenyl ether; CAS No. 7005-72-3)

o-Chlorotoluene (1-chloro-2-methylbenzene; CAS No. 95-49-8)

p-Chlorotoluene (1-chloro-4-methylbenzene; CAS No. 106-43-4)

Chromium (hexavalent) (CAS No. 18540-29-9)

Chromium (total) (CAS No. 7447-47-3)

Chrysene (1,2-benzophenanthrene, benzo(a)phenanthrene; CAS No. 218-01-9)

~~Cis-1,2-Dichloroethylene~~

Cobalt (total) (CAS No. 7440-48-4)

Copper (total) (CAS No. 7440-50-8)

p-Cresol (4-methylphenol; CAS No. 106-44-5)

Cyanide (CAS No. 57-12-5)

4,4-DDD (1-chloro-4-(2,2-dichloro-1-(4-chlorophenyl)ethylbenzene, p,p'-DDD, dichlorodiphenyldichloroethane; CAS No. 72-54-8)

4,4-DDE (1-chloro-4-(2,2-dichloro-1-(4-chlorophenyl)ethenyl)benzene, p,p'-DDE, dichlorodiphenyldichloroethylene; CAS No. 72-55-9)

4,4-DDT (1-chloro-4-(2,2,2-trichloro-1-(4-chlorophenyl)ethyl)benzene, p,p'-DDD; CAS No. 50-29-3)

~~DDT~~

~~Delta - BHC~~

~~Di-N-Butyl Phthalate~~

~~Di-N-Octyl Phthalate~~

Dibenzo(a,h)anthracene (dibenz(a,h)anthracene; CAS No. 53-70-3)

~~Dibenzo (a,h) Anthracene~~

1,2-Dibromo-3-chloropropane (CAS No. 96-12-8)

Dibromochloromethane (CAS No. 124-48-1)

Dibromomethane (methylenedibromide; CAS No. 74-95-3)

Di-n-butyl phthalate (dibutyl benzene-1,2-dicarboxylate; CAS No. 84-74-2)

m-Dichlorobenzene (1,3-dichlorobenzene; CAS No. 541-73-1)

o-Dichlorobenzene (1,2-dichlorobenzene; CAS No. 95-50-1)

p-Dichlorobenzene (1,4-dichlorobenzene; CAS No. 106-46-7)

3,3'-Dichlorobenzidine (3,3'-dichloro(1,1'-biphenyl)-4,4'-diamine; CAS No. 91-94-1)

1,4-Dichloro-2-butene (including two stereoisomers; CAS No. 764-41-0)

Dichlorodifluoromethane~~Dichlorodifluormethane~~ ~~(CAS No. 75-71-8)~~

1,1-Dichloroethane (CAS No. 75-34-3)

1,2-Dichloroethane (CAS No. 107-06-2)

1,1-Dichloroethylene (1,1-dichloroethene; CAS No. 75-35-4)

cis-1,2-Dichloroethylene ((Z)-1,2-dichloroethene; CAS No. 156-59-2)

trans-1,2-Dichloroethylene ((E)-1,2-dichloroethene; CAS No. 156-60-5)

2,4-Dichlorophenol (CAS No. 120-83-2)

2,4-Dichlorophenoxyacetic acid (2,4-D; CAS No. 94-75-7)

1,2-Dichloropropane (propylene dichloride; CAS No. 78-87-5)

1,3-Dichloropropane (CAS No. 142-28-9)

2,2-Dichloropropane (dichlorodimethylmethane; CAS No. 594-20-7)

1,1-Dichloropropene (1,1-dichloroprop-1-ene; CAS No. 563-58-6)

1,3-Dichloropropene (1,3-dichloroprop-1-ene; including two stereoisomers; CAS No. 542-75-6)

trans-1,3-Dichlorpropene ((E)-1,3-dichloroprop-1-ene; CAS No. 10061-02-6)

Dieldrin (1aR,2R,2aS,3S,6R,6aR,7S,7aS)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphtho(2,3-b)oxirene; CAS No. 60-57-1)

Diethyl phthalate (diethyl benzene-1,2-dicarboxylate; CAS No. 84-66-2)~~Phthalate~~

2,4-Dimethylphenol (2,4-xylenol; CAS No. 105-67-9)

Dimethyl phthalate (dimethyl benzene-1,2-dicarboxylate; CAS No. 131-11-3)~~Phthalate~~

4,6-Dinitro-o-cresol (2-methyl-4,6-dinitrophenol; CAS No. 534-52-1)

2,4-Dinitrophenol (CAS No. 51-28-5)

2,4-Dinitrotoluene (1-methyl-2,4-dinitrobenzene; CAS No. 121-14-2)

2,6-Dinitrotoluene (1-methyl-2,6-dinitrobenzene; CAS No. 573-56-8)

Di-n-octyl phthalate (dioctyl benzene-1,2-dicarboxylic acid; CAS No. 117-84-0)

Elevation leachate surface

Endosulfan I ((3α,5αβ,6α,9α,9αβ)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide, α-endosulfan; CAS No. 959-98-8)

Endosulfan II ((3α,5aα,6β,9β,9aα)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide, β-endosulfan; CAS No. 19670-15-6)

Endosulfan sulfate (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide; CAS No. 1031-07-8)~~Sulfate~~

Endrin ((1R,2S,2aS,3S,6R,7R,7aS)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanobaphtho(2,3-b)oxirene; CAS No. 72-20-8)

Endrin aldehyde ((1α,2β,2aβ,4aβ,5β,6aβ,6bβ,7R*)-2,2a,3,3,4,7-hexachlorodecahydro-1,2,4-methenocyclopenta(cd)pentalene-5-carboxaldehyde; CAS No. 7421-93-4)~~Aldehyde~~

Ethyl acetate (ethyl ethanoate; CAS No. 141-78-6)~~Acetate~~

Ethylbenzene (CAS No. 100-41-4)

Ethylene dibromide~~Dibromide~~ (EDB) (1,2-dibromoethane; CAS No. 106-93-4)

Fluoranthene (benzo(jk)fluorene; 1,2-(1,8-naphthalenediyl)benzene; CAS No. 206-44-0)

Fluorene (9H-fluorene; CAS No. 86-73-7)

Fluoride (CAS No. 16984-48-8)

~~Heptachlor Epoxide~~

Heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene; CAS No. 76-44-8)

Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-eoixy-3a,4,7,7a-tetrahydro-4,7-methanoindan; CAS No. 1024-57-3)

Hexachlorobenzene (CAS No. 118-74-1)

Hexachlorobutadiene (1,1,2,3,4,4-hexachlorobuta-1,3-diene; CAS No. 87-68-3)

Hexachlorocyclopentadiene (1,2,3,4,5,5-hexachlorocyclopenta-1,3-diene; CAS No. 77-47-4)

Hexachloroethane (CAS No. 67-72-1)

2-Hexanone (hexan-2-one, n-butyl methyl ketone; CAS No. 591-78-6)

Indeno(1,2,3-cd)pyrene (2,3-(o-phenylene)pyrene; CAS No. 193-39-5)

~~Ideno (1,2,3-cd) Pyrene~~

Iodomethane (CAS No. 74-88-4)

Iron (total) (CAS No. 7439-89-6)

Isopropylbenzene (cumene; (propan-2-yl)benzene; CAS No. 98-82-8)

p-Isopropyltoluene (1-methyl-4-(propan-2-yl)benzene, p-cymene; CAS No. 99-87-6)

Lead (total) (CAS No. 7439-92-1)

Leachate level from measuring point

Lindane ((1r,2R,3S,4r,5R,6S)-1,2,3,4,5,6-hexachlorocyclohexane, γ-hexachlorocyclohexane; CAS No. 58-89-9)

Magnesium (total) (CAS No. 7439-95-4)

Manganese (total) (CAS No. 7439-96-5)

Mercury (total) (CAS No. 7439-97-6)

Methoxychlor (1,1,1-trichloro-2,2-bis(4-methoxyphenyl)ethane; CAS No. 72-43-5)

Methyl chloride (chloromethane; CAS No. 74-87-3)~~Chloride~~

Methyl ethyl ketone (butan-2-one; CAS No. 78-93-3)~~Ethyl Ketone~~

Methylene bromide (dibromomethane; CAS No. 74-95-3)~~Bromide~~

Methylene chloride (dichloromethane; CAS No. 75-09-2)~~Chloride~~

4-Methylpentan-2-one (methyl isobutyl ketone; CAS No. 108-10-1)

Naphthalene (CAS No. 91-20-3)

Nickel (total) (CAS No. 7440-02-0)

Nitrate as nitrogen (CAS No. 14797-55-8)~~Nitrate-Nitrogen~~

Nitrobenzene (CAS No. 98-95-3)~~Nitrobenzine~~

o-Nitrophenol (2-nitrophenol; CAS No. 88-75-5)

p-Nitrophenol (4-nitrophenol; CAS No. 100-02-7)

N-Nitrosodimethylamine (N,N-dimethylnitrous amide; CAS No. 62-75-9)

N-Nitrosodiphenylamine (the IUPAC name N,N-diphenylnitrous amide; CAS No. 86-30-6)

N-Nitrosodipropylamine (dipropylnitrous amide, N-nitroso-N-propyl-1-propanamine; CAS No. 621-64-7)

Oil − hexane soluble (or equivalent)~~Oil. Hexane Soluble (or Equivalent)~~

Parathion (O,O-diethyl O-(4-nitrophenyl) phosphorothioate; CAS No. 56-38-2)

Pentachlorophenol (CAS No. 87-86-6)

pH

Phenanthrene (CAS No. 85-01-8)

Phenol (benzenol; CAS No. 108-95-2)~~Phenols~~

Phosphorous (CAS No. 7723-14-0)

Polychlorinated biphenyls (including several compounds with varied chlorination and their isomers; CAS No. 1336-36-3)~~Biphenyls~~

Potassium (CAS No. 7440-09-7)

1-Propanol (n-propyl alcohol; CAS No. 71-23-8)

2-Propanol (isopropyl alcohol; CAS No. 67-63-0)

n-Propylbenzene (propylbenzene, isocumene; CAS No. 103-65-1)

Pyrene (benzo(def)phenanthrene; CAS No. 129-00-0)

Selenium (CAS No. 7782-49-2)

Silver (total) (CAS No. 7440-22-4)

Specific conductance~~Conductance~~

Sodium (CAS No. 7440-23-5)

Styrene (ethenylbenzene; CAS No. 100-42-5)

Sulfate (CAS No. 14808-79-8)

Temperature of leachate sample~~Leachate Sample~~ (ºF)

~~tert-Butylbenzene~~

Tetrachlorodibenzo-p-dixoins (2,3,7,8-tetrachlorodibenzo(be)(1,4)dioxine; CAS No. 1746-01-6)

~~Tetrachlorodibenzo-p-Dioxins~~

1,1,1,2-Tetrachloroethane (R-130a; CAS No. 630-20-6)

1,1,2,2-Tetrachloroethane (R-130; CAS No. 79-34-5)

Tetrachloroethylene (tetrachloroethene; perchloroethylene; CAS No. 127-18-4)

Tetrahydrofuran (oxolane; 1,4-epoxybutane; CAS No. 109-99-9)

Thallium (CAS No. 7440-28-0)

Tin (CAS No. 7440-31-5)

Toluene (methylbenzene; CAS No. 108-88-3-23-8)

~~Total Organic Carbon (TOC)~~

Total dissolved solids~~Dissolved Solids~~ (TDS)~~ mg/l~~

Total organic carbon (TOC)

Total suspended solids~~Suspended Solids~~ (TSS)~~ mg/l~~

Toxaphene (including several compounds with varied chlorination and their isomers; chlorinated camphene; CAS No. 8001-35-2)

2,4,5-TP ((2,4,5-trichlorophenoxy)propionic acid, Silvex, fenoprop; CAS No. 93-72-1))

~~trans-1,2-Dichloroethylene~~

~~trans-1,3-Dichlorpropene~~

1,2,3-Trichlorobenzene (CAS No. 87-61-6)

1,2,4-Trichlorobenzene (CAS No. 120-82-1)

1,1,1-Trichloroethane (methyl chloroform; CAS No. 71-55-6)

1,1,2-Trichloroethane (vinyl trichloride; CAS No. 79-00-5)

Trichloroethylene (trichloroethene; CAS No. 79-01-6)

Trichlorofluoromethane (Freon 11; CAS No. 75-69-4)

2,4,6-Trichlorophenol (CAS No. 88-06-2)

1,2,3-Trichloropropane (CAS No. 96-18-4)

1,2,4-Trimethylbenzene (hemellitene; CAS No. 526-73-8)

1,3,5-Trimethylbenzene (mesitylene; CAS No. 108-67-8)

Vinyl acetate (ethenyl acetate; CAS No. 108-05-4)~~Acetate~~

Vinyl chloride (chloroethene; CAS No. 75-01-4)~~Chloride~~

m-Xylene (1,3-dimethylbenzene; CAS No. 108-38-3)

o-Xylene (1,2-dimethylbenzene; CAS No. 95-47-6)

p-Xylene (1,4-dimethylbenzene; CAS No. 106-428-3)

Xylenes (dimethylbenzene, xylol; mixed structural isomers; CAS No. 1330-20-7)~~Xylene~~

Zinc (total) (CAS No. 7440-66-6)

~~m-Dichlorobenzene~~

~~m-Xylene~~

~~n-Butylbenzene~~

~~n-Nitrosodimethylamine~~
~~n-Nitrosodiphenylamine~~
~~n-Nitrosodipropylamine~~
~~n-Propylbenzene~~
~~o-Chlorotoluene~~
~~o-Dichlorobenzene~~
~~o-Nitrophenol~~
~~o-Xylene~~
~~p-Chlorotoluene~~
~~p-Cresol~~
~~p-Dichlorobenzene~~
~~p-Isopropyltoluene~~
~~p-Nitrophenol~~
~~p-Xylene~~
~~sec-Butylbenzene~~

Note: All parameters must be determined from unfiltered samples.

(Source: Amended at 44 Ill. Reg. 15577, effective September 3, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code

2) Code Citation: 77 Ill. Adm. Code 515

3)

Section Numbers:	Proposed Actions:
515.100	Amendment
515.125	Amendment
515.315	Amendment
515.445	Amendment
515.460	Amendment
515.730	Amendment
515.830	Amendment
515.860	Amendment
515.4000	Amendment
515.4010	Amendment
515.4020	Amendment
515.Appendix K	Amendment
515.Appendix L	Amendment
515.Appendix N	Amendment
515.Appendix O	Amendment

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

5) Effective Date of Rules: September 1, 2020

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 5185; March 27, 2020

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

11) Differences between Proposal and Final Version:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The Department changed a date in the rulemaking related to new applicants who are working to be approved and licensed as a PHRN, PHPA, or PHAPRN. Currently applicants who complete coursework after January 1, 2018 and before April 1, 2020 must successfully pass the State of Illinois Paramedic licensure examination, and new applicants completing course work after April 1, 2020 must successfully pass the National Registry of EMT's Paramedic cognitive assessment exam. The April 1st date was changed to September 1, 2020. The Department also made minor nonsubstantive typographical changes.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? Yes

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

15) Summary and Purpose of Rulemaking: This rulemaking updates the composition of the Illinois Emergency Medical Services for Children (EMSC) Advisory Board, and amends the requirements for the Emergency Departments Approved for Pediatrics (EDAP), Standby Emergency Department Approved for Pediatrics (SEDP), and Pediatric Critical Care Center (PCCC) levels to ensure compliance with current standards and to address hospital needs.The adopted amendments also implement PA 100-1082.

16) Information and questions regarding these adopted rules shall be directed to:

Erin Conley
Rules Coordinator
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES, TRAUMA CENTER, COMPREHENSIVE STROKE CENTER, PRIMARY STROKE CENTER AND ACUTE STROKE READY HOSPITAL CODE

SUBPART A: GENERAL PROVISIONS

Section
515.100 Definitions
515.125 Incorporated and Referenced Materials
515.150 Waiver Provisions
515.160 Facility, System and Equipment Violations, Hearings and Fines
515.165 Suspension, Revocation and Denial of Licensure
515.170 Employer Responsibility
515.180 Administrative Hearings
515.190 Felony Convictions

SUBPART B: EMS REGIONS

Section
515.200 Emergency Medical Services Regions
515.210 EMS Regional Plan Development
515.220 EMS Regional Plan Content
515.230 Resolution of Disputes Concerning the EMS Regional Plan
515.240 Bioterrorism Grants
515.250 Hospital Stroke Care Fund
515.255 Stroke Data Collection Fund

SUBPART C: EMS SYSTEMS

Section
515.300 Approval of New EMS Systems
515.310 Approval and Renewal of EMS Systems
515.315 Bypass Status Review
515.320 Scope of EMS Service

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

515.330 EMS System Program Plan
515.340 EMS Medical Director's Course
515.350 Data Collection and Submission
515.360 Approval of Additional Drugs and Equipment
515.370 Automated Defibrillation (Repealed)
515.380 Do Not Resuscitate (DNR) and Practitioner Orders for Life-Sustaining Treatment (POLST) Policy
515.390 Minimum Standards for Continuing Operation
515.400 General Communications
515.410 EMS System Communications
515.420 System Participation Suspensions
515.430 Suspension, Revocation and Denial of Licensure of EMTs (Repealed)
515.440 State Emergency Medical Services Disciplinary Review Board
515.445 Pediatric Care
515.450 Complaints
515.455 Intra- and Inter-System Dispute Resolution
515.460 Fees
515.470 Participation by Veterans Health Administration Facilities

SUBPART D: EDUCATION OF EMERGENCY MEDICAL TECHNICIANS, ADVANCED EMERGENCY MEDICAL TECHNICIANS, EMERGENCY MEDICAL TECHNICIANS-INTERMEDIATE, PARAMEDICS AND EMS PERSONNEL

Section
515.500 EMS System Education Program-Emergency Medical Technician
515.510 Advanced Emergency Medical Technician and Emergency Medical Technician-Intermediate Education
515.520 Paramedic Education
515.530 EMT, A-EMT, EMT-I and Paramedic Testing
515.540 EMT, A-EMT, EMT-I and Paramedic Licensure
515.550 Scope of Practice – Licensed EMT and Paramedic
515.560 EMT Continuing Education
515.570 A-EMT and EMT-I Continuing Education
515.580 Paramedic Continuing Education
515.590 EMS Personnel License Renewals
515.600 EMS Personnel Inactive Status
515.610 EMT, A-EMT, EMT-1 and Paramedic Reciprocity
515.620 Felony Convictions (Renumbered)
515.630 Evaluation and Recognition of Military Experience and Education

515.640 Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, EMERGENCY MEDICAL RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section
515.700 EMS Lead Instructor
515.710 Emergency Medical Dispatcher
515.715 Provisional Licensure for Emergency Medical Responders
515.720 First Responder (Repealed)
515.725 Emergency Medical Responder
515.730 Pre-Hospital Registered Nurse, Pre-Hospital Physician Assistant, Pre-Hospital Advanced Practice Registered Nurse
515.740 Emergency Communications Registered Nurse
515.750 Trauma Nurse Specialist
515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

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515.800 Vehicle Service Provider Licensure
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515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825 Alternate Response Vehicle
515.827 Ambulance Assistance Vehicle Provider Upgrades
515.830 Ambulance Licensing Requirements
515.833 In-Field Service Level Upgrade – Rural Population
515.835 Stretcher Van Provider Licensing Requirements
515.840 Stretcher Van Requirements
515.845 Operation of Stretcher Vans
515.850 Reserve Ambulances
515.860 Critical Care Transport

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section
515.900 Licensure of SEMSV Programs – General
515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920 SEMSV Program Licensure Requirements for All Vehicles
515.930 Helicopter and Fixed-Wing Aircraft Requirements
515.935 EMS Pilot Specifications
515.940 Aeromedical Crew Member Education Requirements
515.945 Aircraft Vehicle Specifications and Operation
515.950 Aircraft Medical Equipment and Drugs
515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960 Aircraft Communications and Dispatch Center
515.963 Flight Program Safety Standards
515.965 Watercraft Requirements
515.970 Watercraft Vehicle Specifications and Operation
515.975 Watercraft Medical Equipment and Drugs
515.980 Watercraft Communications and Dispatch Center
515.985 Off-Road SEMSV Requirements
515.990 Off-Road Vehicle Specifications and Operation
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SUBPART H: TRAUMA CENTERS

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515.2000 Trauma Center Designation
515.2010 Denial of Application for Designation or Request for Renewal
515.2020 Inspection and Revocation of Designation
515.2030 Level I Trauma Center Designation Criteria
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515.2040 Level II Trauma Center Designation Criteria
515.2045 Level II Pediatric Trauma Center
515.2050 Trauma Center Uniform Reporting Requirements
515.2060 Trauma Patient Evaluation and Transfer
515.2070 Trauma Center Designation Delegation to Local Health Departments
515.2080 Trauma Center Confidentiality and Immunity
515.2090 Trauma Center Fund
515.2100 Pediatric Care (Renumbered)
515.2200 Suspension Policy for Trauma Nurse Specialist Certification

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: EMS ASSISTANCE FUND

Section
515.3000 EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section
515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

SUBPART K: COMPREHENSIVE STROKE CENTERS,
PRIMARY STROKE CENTERS AND ACUTE STROKE-READY HOSPITALS

515.5000 Definitions
515.5002 State Stroke Advisory Subcommittee
515.5004 Regional Stroke Advisory Subcommittee
515.5010 Stroke Care – Restricted Practices
515.5015 Comprehensive Stroke Center (CSC) Designation
515.5016 Request for Comprehensive Stroke Center Designation
515.5017 Suspension and Revocation of Comprehensive Stroke Center Designation
515.5020 Primary Stroke Center (PSC) Designation
515.5030 Request for Primary Stroke Center Designation
515.5040 Suspension and Revocation of Primary Stroke Center Designation
515.5050 Acute Stroke-Ready Hospital (ASRH) Designation without National Certification
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515.5070 Request for Acute Stroke-Ready Hospital Designation without National Certification
515.5080 Suspension and Revocation of Acute Stroke-Ready Hospital Designation without National Certification
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515.5090 Data Collection and Submission
515.5100 Statewide Stroke Assessment Tool

515.APPENDIX A A Request for Designation (RFD) Trauma Center
515.APPENDIX B A Request for Renewal of Trauma Center Designation
515.APPENDIX C Minimum Trauma Field Triage Criteria
515.APPENDIX D Administrative, Legal and EMS Protocols and Guidelines
515.APPENDIX E Minimum Prescribed Data Elements
515.APPENDIX F Template for In-House Triage for Trauma Centers
515.APPENDIX G Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L Pediatric Equipment Requirements~~Recommendations~~ for Emergency Departments
515.APPENDIX M Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
515.APPENDIX N Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
515.APPENDIX O Pediatric Critical Care Center Plan
515.APPENDIX P Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended

at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. 5714, effective April 15, 2013; amended at 37 Ill. Reg. 7128, effective May 13, 2013; amended at 37 Ill. Reg. 10683, effective June 25, 2013; amended at 37 Ill. Reg. 18883, effective November 12, 2013; amended at 37 Ill. Reg. 19610, effective November 20, 2013; amended at 38 Ill. Reg. 9053, effective April 9, 2014; amended at 38 Ill. Reg. 16304, effective July 18, 2014; amended at 39 Ill. Reg. 13075, effective September 8, 2015; amended at 40 Ill. Reg. 8274, effective June 3, 2016; amended at 40 Ill. Reg. 10006, effective July 11, 2016; recodified at 42 Ill. Reg. 10700; amended at 42 Ill. Reg. 17632, effective September 20, 2018; amended at 43 Ill. Reg. 4145, effective March 19, 2019; emergency amendment at 44 Ill. Reg. 6463, effective April 10, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 15619, effective September 1, 2020.

SUBPART A: GENERAL PROVISIONS

Section 515.100 Definitions

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Acute Stroke-Ready Hospital or ASRH – *a hospital that has been designated by the Department as meeting the criteria for providing emergent stroke care. Designation may be provided after a hospital has been certified or through application and designation as* an Acute Stroke-Ready Hospital. (Section 3.116 of the Act)

Advanced Emergency Medical Technician or A-EMT − a person who has successfully completed a course in basic and limited advanced emergency medical care as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part, *and practices within an Intermediate or Advanced Life Support EMS System.* (Section 3.50(b-5) of the Act)

Advanced Life Support Services or *ALS Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the National EMS Education Standards relating to Advanced Life Support and any modifications to that curriculum* or those standards *specified in* this Part. (Section 3.10(a) of the Act)

Advanced Practice Registered Nurse or APRN – a person currently licensed as an advanced practice registered nurse under the Illinois Nurse Practice Act by the Illinois Department of Financial and Professional Regulation.

Aeromedical Crew Member or Watercraft Crew Member or Off-road Specialized Emergency Medical Services Vehicle (SEMSV) Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMS MD – the physician who is designated by the Resource Hospital to direct the ALS/Advanced/ILS/BLS operations in the absence of the EMS Medical Director.

Alternate Response Vehicle – ambulance assist vehicles and non-transport vehicles as defined in Section 515.825 and Section 515.827.

Ambulance – any publicly or privately owned on-road vehicle that is specifically designed, constructed or modified and equipped for, *and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such individuals.* (Section 3.85 of the Act)

Ambulance Assistance Vehicle Provider – a provider of ambulance assistance vehicles that is licensed under the Act and serves a population within the State. (Section 3.88(a) of the Act)

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Ambulance Service Provider and Vehicle Service Provider Upgrades – Rural Population – a practice that allows an ambulance, alternate response vehicle, specialized emergency medical services vehicle or vehicle service provider that serves a population of 7,500 or fewer to upgrade the level of service of the provider vehicle using pre-approved System personnel and equipment.

Ambulance Service Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Applicant – an individual or entity applying for a Department-issued license or certification.

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting education programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive emergency department with 24-hour physician coverage. It shall have a functioning Intensive Care Unit or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the paramedic~~Paramedic~~ or registered professional nurse~~Registered Nurse~~ at the Associate Hospital who shall be responsible for duties in relation to the EMS System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the EMS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital emergency department where at least one physician is available in the emergency department at all times; physician specialists are available in minutes; and ancillary services, including laboratory, x-ray and pharmacy, are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Basic Life Support or BLS *Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes medical monitoring, clinical observation, airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in the National EMS Education Standards relating to Basic Life Support and any modifications to that curriculum* or *standards specified in* this Part. (Section 3.10(c) of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Continuing Education or CE – ongoing~~Ongoing~~ emergency medical education after licensure that is designated to maintain, update or upgrade medical knowledge and skills.

Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse~~Registered Professional Nurse~~ who has had additional education beyond the registered professional nurse~~Registered Professional Nurse~~ requirements at a school/program accredited by the National Council on Accreditation; who has passed the certifying exam given by the National Council on Certification; and who, by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Child Abuse and Neglect – see the definitions of "abused child" and "neglected child" in Section 3 of the Abused and Neglected Child Reporting Act.

Child Life Specialist – a~~A~~ person whose primary role is to minimize the adverse effects of children's experiences by facilitating coping and the psychosocial adjustment of children and their families through the continuum of care.

Clinical Nurse Specialist – a person who is currently licensed as an APRN and who has met all qualifications for a clinical nurse specialist. For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program, the clinical nurse specialist shall have an unencumbered license in the state in which he or she practices.

Clinical Observation – ongoing observation of a patient's condition by a licensed health care professional utilizing a medical skill set while continuing assessment and care. (Section 3.5 of the Act)

Comprehensive Emergency Department – a classification of a hospital emergency department where at least one licensed physician is available in the emergency department at all times; physician specialists shall be available in minutes; ancillary services, including laboratory and x-ray, are staffed at all times; and the pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Comprehensive Stroke Center or CSC – *a hospital that has been certified and has been designated as* a Comprehensive Stroke Center under Subpart K. (Section 3.116 of the Act)

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Critical Care Transport or CCT or Specialty Care Transport or SCT – *pre-hospital or inter-hospital transportation of a critically injured or ill patient by a vehicle service provider, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the paramedic~~Paramedic~~. When medically indicated for a patient, as determined by a physician licensed to practice medicine in all of its branches, an APRN~~Advanced Practice Registered Nurse~~, or a physician assistant, in compliance with Section 3.155(b) and (c) of* the *Act.*(Section 3.10(f-5).

Department or IDPH – *the Illinois Department of Public Health.* (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Door-to-_____ – the~~The~~ time from patient arrival at the health care facility until the specified result, procedure or intervention occurs.

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and

conduction.

Electrocardiogram or EKG – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency – a medical condition of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a registered professional nurse~~Registered Professional Nurse~~ licensed under the Nurse Practice Act who has successfully completed supplemental education in accordance with this Part *and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols.* (Section 3.80 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the professional shall have an unencumbered license in the state in which he or she practices.

Emergency Department Approved for Pediatrics or EDAP – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.4000 of this Part as being capable of providing optimal emergency department care to pediatric patients 24 hours per day.

Emergency Medical Dispatch Priority Reference System or EMDPRS – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Dispatcher or EMD – *a person who has successfully completed a training course in emergency medical dispatching in accordance with* this Part, *who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles.* (Section 3.70 of the Act)

Emergency Medical Responder or EMR (AKA First Responder) – a person who has successfully completed a course of instruction for the Emergency Medical

Responder as approved by the Department, who provides Emergency Medical Responder services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the National EMS Educational Standards for Emergency Medical Responders as modified by the Department.

Emergency Medical Responder Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the Emergency Medical Responder (EMR) curriculum of the National EMS Education standards and any modifications to that curriculum (standards) *specified in* this Part. (Section 3.10(d) of the Act)

Emergency Medical Services Personnel or EMS Personnel – *persons licensed as an Emergency Medical Responder (EMR) (First Responder), Emergency Medical Dispatcher (EMD), Emergency Medical Technician (EMT), Emergency Medical Technician-Intermediate (EMT-I), Advanced Emergency Medical Technician (A-EMT), Paramedic, Emergency Communications Registered Nurse (ECRN), or Pre-Hospital Registered Nurse (PHRN).* (Section 3.5 or the Act)

Emergency Medical Services System or EMS System or System – *an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department, and pursuant to the EMS Region Plan adopted for the EMS Region in which the System is located.* (Section 3.20(a) of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician or EMT (AKA EMT-B) – a person who has successfully completed a course in basic life support as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by the *Act and* this Part *and practices within an EMS System.* (Section 3.50(a) of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT, A-EMT, EMT-I or Paramedic who has

received additional education emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course in intermediate life support as approved by the Department, is currently licensed by the Department in accordance with the standards prescribed in this Part *and practices within an Intermediate or Advanced Life Support EMS System.* (Section 3.50(b) of the Act)

Emergent Stroke Care – emergency medical care that includes diagnosis and emergency medical treatment of suspected or known *acute stroke patients.* (Section 3.116 of the Act)

Emergent Stroke Ready Hospital – a hospital that has been designated by the Department as meeting the criteria for providing emergent stroke care as set forth in the Act and Section 515.5060. (Section 3.116 of the Act)

EMS – emergency medical services.

EMS Administrative Director – the administrator, appointed by the Resource Hospital in consultation with the EMS Medical Director, in accordance with this Part, *responsible for the administration of the EMS System*. (Section 3.35 of the Act)

EMSC – Emergency Medical Services for Children.

EMS Lead Instructor or LI – a person who has successfully completed a course of education as approved by the Department in this Part, *and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with* this Part. (Section 3.65(a) of the Act)

EMS Medical Director or EMS MD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – an individual responsible to the EMS Medical

Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

Full-Time – on duty a minimum of 36 hours a week.

Half-Duplex Communications – a radio or device that transmits and receives signals in only one direction at a time.

Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" that *utilize EMS Personnel to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in* the *Act* and this Part. (Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Helicopter Shopping − the practice of calling various operators until a helicopter emergency medical services (HEMS) operator agrees to take a flight assignment, without sharing with subsequent operators that the previously called operators declined the flight, or the reasons why the flight was declined.

Hospital – *has the meaning ascribed to that term in* Section 3 of the *Hospital Licensing Act*. (Section 3.5 of the Act)

Hospitalist – a physician who primarily provides unit-based/in-hospital services.

In-Field Service Level Upgrade – a practice that allows the delivery of advanced care from a lower level service provider by a licensed higher level of care ambulance, alternate response vehicle, or specialized emergency medical services vehicle according to a pre-approved written plan approved by the local EMS Medical Director.

Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions or IMC – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support Services or *ILS Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support national curriculum of the United States Department of Transportation and any modifications to that curriculum specified in* this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Licensee – an individual or entity to which the Department has issued a license.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMS Personnel or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

Medical Monitoring – the performance of medical tests and physical exams to evaluate an individual's on-going exposure to a factor that could negatively impact that person's health. This *includes close surveillance or supervision of patient's liable to suffer deterioration in physical or mental health and checks of various parameters such as pulse rate, temperature, respiration rate, the condition of the pupils, the level of consciousness and awareness, the degree of appreciation of pain, and blood gas concentrations such as oxygen and carbon dioxide.* (Section 3.5 of the Act)

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original medical or trauma condition or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone or mobile device to obtain emergency services, including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical care, clinical observation, or medical monitoring rendered to patients whose conditions do not meet the *Act's definition of emergency, before or during transportation of such patients to or from health care facilities visited for the purpose of obtaining medical or health care services* that *are not emergency in nature, using a vehicle regulated by* the *Act* and this Part. (Section 3.10(g) of the Act)

Nurse Practitioner – a person who is currently licensed as an APRN and who has met all qualifications for a nurse practitioner. ~~licensed as a Nurse Practitioner under the Nurse Practice Act.~~ For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the nurse practitioner~~professional~~ shall have an unencumbered license in the state in which he or she practices.

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Paramedic or EMT-P *– a person who has successfully completed a course in advanced life support care as approved by the Department, is currently licensed*

by the Department in accordance with standards prescribed by the *Act and* this Part *and practices within an Advanced Life Support EMS System.* (Section 3.50 of the Act)

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Critical Care Center or PCCC – a hospital participating in an approved EMS System and designated by the Department as being capable of providing optimal critical and specialty care services to pediatric patients, and of providing all essential services either in-house or readily available 24 hours per day.

Pediatric Patient – patient from birth through 15 years of age.

Physician – any person licensed to practice medicine in all of its branches under the Illinois Medical Practice Act of 1987. For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the physician ~~professional~~ shall have an unencumbered license in the state in which he or she practices.

Physician Assistant or PA – a person who is licensed under the Physician Assistant Practice Act. For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the PA~~professional~~ shall have an unencumbered license in the state in which he or she practices.

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

Police Dog – a specially trained *dog owned or used by a law enforcement department or agency in the course of the department's or agency's* official *work, including a search and rescue dog, service dog, accelerant detection canine, or other dog that is in use by a county, municipal, or State law enforcement agency* for official duties. (Section 3.55(e) of the Act)

Practitioner Order for Life-Sustaining Treatment on POLST or Do Not Resuscitate or DNR – an authorized practitioner order that reflects an individual's

wishes about receiving cardiopulmonary resuscitation (CPR) and life-sustaining treatments, including medical interventions and artificially administered nutrition.

Pre-Hospital Advanced Practice Registered Nurse or PHAPRN – an APRN, with an unencumbered APRN license in Illinois, who has successfully completed supplemental education in accordance with this Part and who is approved by an Illinois EMS Medical Director to practice within an EMS System for pre-hospital and inter-hospital emergency care and non-emergency medical transports.

Pre-Hospital Care – those medical services rendered to patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to healthcare facilities. (Section 3.10(e) of the Act)

Pre-Hospital Care Participants – Any EMS Personnel, Ambulance Service Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS Administrative Director, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN, Resource Hospital, Emergency Dispatch Center or physician serving on an ambulance or non-transport vehicle or giving voice orders for an EMS System and who are subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Physician Assistant or PHPA – a graduate PA, with an unencumbered Illinois Physician Assistant License, who has successfully completed supplemental education in accordance with this Part and who is approved by an Illinois EMS Medical Director to practice within an EMS System for pre-hospital and inter-hospital emergency care and non-emergency medical transports.

Pre-Hospital Registered Nurse or PHRN *– a registered professional nurse~~Registered Professional Nurse~~, with an unencumbered registered professional nurse~~Registered Nurse~~ license in the state in which he or she practices who has successfully completed supplemental education in accordance with* this Part *and who is approved by an Illinois EMS Medical Director to practice within an EMS System for pre-hospital and inter-hospital emergency care and non-emergency medical transports.* (Section 3.80 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the professional shall have an unencumbered license

in the state in which he or she practices.

Primary Stroke Center or PSC – *a hospital that has been certified by a Department-approved, nationally recognized certifying body and designated as* a Primary Stroke Center *by the Department.* (Section 3.116 of the Act)

Provisional EMR – a person who is at least 16 years of age, who has successfully completed a course of instruction for emergency medical responders as prescribed by the Department and passed the exam, and who functions within an approved EMS System pursuant to Section 515.715.

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one individual from each level of license provided by the *Act, one pre-hospital registered nurse~~Pre-Hospital Registered Nurse~~ practicing within the Region, and one registered professional nurse~~Registered Professional Nurse~~ currently practicing in an emergency department within the Region. Of the* two *administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee.* (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical*

advisor shall serve on the Committee. For other regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis. (Section 3.25 of the Act)

Regional Stroke Advisory Subcommittee – a subcommittee formed within each Regional EMS Advisory Committee to advise the Director and the Region's EMS Medical Directors Committee on the triage, treatment, and transport of possible acute stroke patients and to select the Region's representative to the State Stroke Advisory Subcommittee. (Section 3.116 of the Act) The composition of the Subcommittee shall be as set forth in Section 3.116 of the Act.

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each trauma center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each trauma center within the Region, one EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or PHRN representing the highest level of EMS Personnel practicing within the Region, one emergency physician and one trauma nurse specialist~~Trauma Nurse Specialist~~ currently practicing in a trauma center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as an RN under the Illinois Nurse Practice Act. For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the registered professional nurse shall have an unencumbered license in the state in which he or she practices.

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and education programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

Rural Ambulance Service Provider – an ambulance service provider licensed under the *Act that serves a rural population of 7,500 or fewer inhabitants.* (Section 3.87(a) of the Act)

Rural In-Field Service Level Upgrade – a practice that allows the delivery of advanced care for a lower level service provider that serves a rural population of 7,500 or fewer inhabitants, through use of EMS System approved EMS personnel.

Rural Vehicle Service Provider – an entity that serves a rural population of 7,500 or fewer inhabitants and is licensed by the Department to provide emergency or non-emergency medical services in compliance with the *Act*, this Part *and an operational plan approved by the entity's EMS System, utilizing at least an ambulance, alternate response vehicle as defined by the Department in* this Part, *or specialized emergency medical services vehicle.* (Section 3.87(a) of the Act)

Screening – a preliminary procedure or assessment, such as a test or examination, to detect the most characteristic sign or signs of a disorder or condition that may require further investigation (for example, assessing for potential abuse or neglect through interview responses and behavioral/physical symptom clues).

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, using specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Special-Use Vehicle – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for,

and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the *Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads.* (Section 3.85 of the Act) "Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (i.e., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital emergency department where at least one of the RNs~~Registered Nurses~~ on duty in the hospital is available for emergency services at all times, and a licensed physician is "on-call" to the emergency department at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Standby Emergency Department Approved for Pediatrics or SEDP – a hospital participating in an approved EMS System and designated by the Department,

pursuant to Section 515.4010, as being capable of providing optimal standby emergency department care to pediatric patients and to have transfer agreements and transfer mechanisms in place when more definitive pediatric care is needed.

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

Stretcher Van – a vehicle used by a licensed stretcher van provider to transport non-emergency passengers in accordance with the Act and this Part.

Stretcher Van Provider – an entity licensed by the Department to provide non-emergency transportation of passengers on a stretcher in compliance with the *Act* and this Part*, utilizing stretcher vans.* (Section 3.86 of the Act)

Stroke Network – a voluntary association of hospitals, including a hospital with a board eligible or board certified neurosurgeon or neurologist, that may, among other activities, share stroke protocols; provide medical consultations on possible or known acute stroke patients or on inter-facility transfers of possible or known acute stroke patients; or provide education specific to improving acute stroke care. Participating hospitals in a stroke network may be in-state or out-of-state.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Telecommunications Equipment – a communication system capable of

transmitting and receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data through a communication system to a receiving station for recording, interpretation and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I – a classification of trauma patients in accordance with Appendix C and Appendix F.

Trauma Category II – a classification of trauma patients in accordance with Appendix C and Appendix F.

Trauma Center – a hospital which: within designated capabilities provides optimal care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the *Act.* (Section 3.90 of the Act)

Trauma Center Medical Director or Trauma Center MD – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed *of the Region's Trauma Center Medical Directors.* (Section 3.25 of the Act)

Trauma Coordinator – an RN~~a Registered Nurse~~ working in conjunction with the Trauma Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – an RN~~a Registered Professional Nurse~~ licensed under the Nurse Practice Act who has successfully completed supplemental education and testing requirements as prescribed by the Department, and is licensed in accordance with this Part. (Section 3.75 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program, the professional shall have an unencumbered license

in the state in which he or she practices.

Trauma Nurse Specialist Course Coordinator or TNSCC – an RN~~a Registered Nurse~~ appointed by the Chief Executive Officer of a hospital designated as a TNS education site, who meets the requirements of Section 515.750.

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c).

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the *Act* and this Part *and an operational plan approved by its EMS Systems, utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV).* (Section 3.85(a) of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

Section 515.125 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) Glasgow Coma Scale
Champion HR, Sacco WJ, Carnazzo AJ et al.:
CritCare Med 9(9): 672-676 (1981)

B) Revised Trauma Score, 1999
from Resources for the Optimal Care of the Injured Patient
American College of Surgeons
633 North Saint Clair Street
Chicago IL 60611-3211

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NOTICE OF ADOPTED AMENDMENTS

C) Abbreviated Injury Score, 2005
American Association for the Advancement
of Automotive Medicine
Des Plaines IL 60008

D) Injury Severity Score
Baker SP, O'Neil B, Hadon W et al.:
Journal of Trauma 14: 187-196 (1974)

E) International Classification of Diseases,
9th Revision, Clinical Modification (ICD-9-CM)
Alphabetic Index to External Causes of Injury (E-Codes),
Second Printing (2010)
World Health Organization, Geneva, Switzerland and
National Center for Health Statistics
Published by Edwards Brothers, Inc. Ann Arbor MI

F) Resources for Optimal Care of the Injured Patient (2006)
American College of Surgeons
633 North Saint Clair Street
Chicago IL 60611-3211

G) Pediatric Advanced Life Support (PALS) (2011)
American Heart Association National Center
7272 Greenville Center
Dallas TX 75231

H) Advanced Cardiovascular Life Support (ACLS) Provider Manual
(2010)
American Heart Association National Center
7272 Greenville Center
Dallas TX 75231

I) Pediatric Education for Prehospital Professionals (PEPP) Third
Edition Provider Manual (2015)
American Academy of Pediatrics
141 Northwest Point Boulevard
Elk Grove Village IL 60007

J) International Trauma Life Support (ITLS) 8th Edition Provider Manual
ITLS-International Trauma Life Support
3000 Woodcreek Drive, Suite 200
Downers Grove IL 60515

K) Prehospital Trauma Life Support (PHTLS) 8th Edition Providers Manual
National Association of Emergency Medical Technicians (NAEMT)
P.O. Box 1400
Clinton MS 39060-1400

L) National Registry of Emergency Medical Technicians (NREMT) (2015): A nationally recognized corporation that certifies EMS Personnel: https://www.nremt.org/nremt/about/apply_for_assess_exam.asp

M) National Registry of Emergency Medical Technicians (NREMT) Cognitive Exam Retest Policy (2015): https://www.nremt.org/nremt/about/policyCognitiveExamRetest. asp

N) National EMS Scope of Practice Model (2007): National Highway Traffic Safety Administration (NHTSA): http://www.ems.gov/education/EMSScope.pdf

O) National Association of EMS State Officials (NASEMSO), National Model EMS Clinical Guidelines (2014): https://www.nasemso.org/Projects/ModelEMSClinicalGuidelines/index.asp

P) National Guidelines for Educating EMS Instructors (2002), National Association of EMS Educators (NAEMSE): http://naemse.org/?page=LVL1InstructorCourse

2) Federal government publications:

A) Federal Specifications for Ambulance, KKK-A-1822F (August

2007), United States General Services Administration, Specifications Section, 2200 Crystal Drive, Suite 1006, Arlington VA 22202

B) National Emergency Medical Services Education Standards: National Highway Traffic Safety Administration (NHSTA) DOT HS 811 077A; (2009): http://www.ems.gov/pdf/811077c.pdf

C) National Highway Traffic Safety Administration (NHSTA): National Emergency Medical Services Education Standards (2009): http://www.ems.gov/pdf/811077a.pdf

D) United States Department of Transportation, Emergency Medical Dispatcher: National Standard Curriculum (1996), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402

E) The Federal Aviation Administration Type Certificate Data Sheet for a particular aircraft required crew can be found at http://www.faa.gov/aircfraft/

F) The Aeronautical Information Manual, Chapter 10 (2014, US Department of Transportation): https://www.faa.gov/air_traffic/publications/media/aim_basic_4-03-14.pdf

3) Federal regulations:

A) 47 CFR 90 (October 15, 2012) − Private Land Mobile Radio Services

B) Air Taxi Operations and Commercial Operators (14 CFR 135 (January 1, 2009), Subparts A, Sections 135.1 through 135.43; B, Sections 135.61 through 135.125; C, Sections 135.141 through 135.185; D, Sections 135.201 through 135.229; E, Sections 135.241 through 135.247; F, Section 135.261; J, Sections 135.411 through 135.443)

C) 42 CFR 2A (October 1, 2009) − Confidentiality of Alcohol and Drug Abuse Patient Records

b) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

Federal Aviation Act of 1958, Sections 307 and 308 (P.L. 85-726, 72 USC 731)

2) State of Illinois statutes:

A) Hospital Emergency Services Act [210 ILCS 80]

B) Hospital Licensing Act [210 ILCS 85]

C) Medical Practice Act of 1987 [225 ILCS 60]

D) Nurse Practice Act [225 ILCS 65]

E) Medical Studies Act [735 ILCS 5/8-2101]

F) Emergency Telephone System Act [50 ILCS 750]

G) Boat Registration and Safety Act [625 ILCS 45]

H) Open Meetings Act [5 ILCS 120]

I) Illinois Administrative Procedure Act [5 ILCS 100]

J) Head and Spinal Cord Injury Act [410 ILCS 515]

K) Freedom of Information Act [5 ILCS 140]

L) State Records Act [5 ILCS 160]

M) Coal Mine Medical Emergencies Act [410 ILCS 15]

N) Abused and Neglected Child Reporting Act [325 ILCS 5]

O) Illinois Grant Funds Recovery Act [30 ILCS 705]

P) Code of Civil Procedure, Article VIII, Part 21 [735 ILCS 5]

3) State of Illinois regulations:

A) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

B) Hospital Licensing Requirements (77 Ill. Adm. Code 250)

C) Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795)

c) National Emergency Medical Services Information System (NEMSIS) Version 3 Prehospital Dataset, January 28, 2016, available at: http://www.dph.illinois.gov/sites/default/files/resources/Illinois-NEMSIS-v3-Datset-012816.pdf

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

SUBPART C: EMS SYSTEMS

Section 515.315 Bypass Status Review

a) *The Department shall investigate the circumstances that caused a hospital in an EMS System to go on bypass status to determine whether that hospital's decision to go on bypass status was reasonable.* (Section 3.20(c) of the Act)

b) The hospital shall notify the Illinois Department of Public Health, Division of Emergency Medical Services, of any bypass ~~or resource limitation~~ decision, at both the time of its initiation and the time of its termination, through status change updates entered into the Illinois EMResource application, accessed at https://emresource.juvare.com/login.~~Hospital Bypass/State Disaster Reporting System online at www.idphnet.illinois.gov.~~ The hospital shall document any inability to access EMResource by contacting IDPH Division of EMS during normal business hours~~the System by immediately contacting the State of Illinois Customer Service Center. If a hospital is unable to update the Hospital Bypass System due to internet outage, the hospital shall notify the Department via fax to the Division's Central Office at (217)557-3481~~.

c) In determining whether a hospital's decision to go on bypass status was

reasonable, the Department shall consider the following:

1) The number of critical or monitored beds available in the hospital at the time that the decision to go on bypass status was made;

2) Whether an internal disaster, including, but not limited to, a power failure, had occurred in the hospital at the time that the decision to go on bypass status was made;

3) The number of staff after attempts have been made to call in additional staff, in accordance with facility policy; and

4) The approved Regional Protocols for bypass and diversion at the time that the decision to go on bypass status was made, provided that the Protocols include subsections (c)(1), (2) and (3).

d) For Trauma Centers only, the following situations constitute a reasonable decision to go on bypass status:

1) All staffed operating suites are in use or fully implemented with on-call teams, and at least one or more of the procedures is an operative trauma case;

2) The CAT scan is not working; or

3) The general bypass criteria in subsection (c).

e) *The Department may impose sanctions, as set forth in Section 3.140 of the Act, upon a Department determination that the hospital unreasonably went on bypass status in violation of the Act.* (Section 3.20(c) of the Act)

f) Each EMS System shall develop a policy addressing response to a system-wide crisis.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

Section 515.445 Pediatric Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

a) Upon the availability of federal funds for development of an emergency medical services for children (EMSC) program, the Department shall appoint an Advisory Board to advise the Department on all matters concerning emergency medical service for children and to develop and implement a plan to address identified pediatric areas of need. The Advisory Board shall advise the Department~~assist~~ in the formulation of policy that reflects the purposes of the Act and this Part. The Advisory Board shall consist of 26 members to be appointed by the Director for a term of three years. Membership of the Advisory Board shall include:

1) One practicing pediatrician, one pediatric critical care physician and one board certified pediatric emergency physician, to be recommended by the Illinois Chapter of the American Academy of Pediatrics;

2) One pediatric surgeon, to be recommended by the Illinois Chapter of the American College of Surgeons, or a trauma nurse manager/coordinator recommended by the Illinois Trauma Coordinators Coalition;

3) Two emergency physicians, one to be recommended by the Illinois Chapter of the American College of Emergency Physicians and one to be recommended by the National Association of EMS Physicians;

4) One family medicine physician, to be recommended by the Illinois Chapter of the American Academy of Family Physicians;

5) Two RNs~~registered nurses~~, one to be appointed upon recommendation of the American Nurses Association-Illinois (ANA-Illinois) and one to be appointed upon recommendation of the Illinois State Council, Emergency Nurses Association (ENA);

6) Two EMS Personnel of differing levels, to be appointed, one each, upon recommendation of the Illinois EMT Association and Illinois Fire Fighters Association;

7) An EMS Coordinator;

8) A representative from each of the following: Division of Specialized Care for Children; ~~Illinois State Police;~~ Illinois Fire Chiefs Association; Illinois State Ambulance Association; Illinois State Medical Society; Illinois Department of Transportation; SAFEKIDS Coalition; Illinois Health and

Hospital Association; ~~Metropolitan Chicago Healthcare Council;~~ Illinois Critical Access Hospital Network; Illinois Department of Children and Family Services; Illinois Poison Center; a pediatric rehabilitation representative; a community organization; a child advocate group; and a parent representative;

9) A non-voting member from the Department's Division of Emergency Medical Systems and Highway Safety and the Office of Women's Health, Division of Maternal, Child and Family Health Services~~Department of Human Services' Division of Family Health~~. EMS Regional representation shall be through board members who serve as representatives of other designated constituencies. The members shall have dual representation status in advising the Department, but shall retain one vote. The Department shall consider Regional representation when making advisory board appointments.

b) The Advisory Board members with medical backgrounds shall have expertise and interest in emergency or critical care medical services for children. Vacancies on the Advisory Board shall be filled for the unexpired term by appointment of the Director in the same manner as originally filled. The members of the Advisory Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, including travel expenses. A majority of the members of the Advisory Board shall constitute a quorum for the conduct of business of the advisory committee. A majority vote of the members present at a meeting at which a quorum is established shall be necessary to validate any action of the committee.

c) A majority of the members of the Advisory Board shall constitute a quorum for the conduct of the Board's business. A majority vote of the members present at a meeting at which a quorum is established shall be necessary to validate any action.

d) The Advisory Board shall act pursuant to bylaws that it adopts, which shall include the annual election of a Chair and Vice-Chair.

e) The Department, with the advice of the Advisory Board, shall address and establish through the EMSC program at least the following:

1) Initial and continuing education programs for emergency medical services personnel, which shall include training in the emergency care of infants and children;

2) Guidelines for referring children to the appropriate emergency or critical care medical facilities;

3) Guidelines for pre-hospital, hospital and other pediatric emergency or critical care medical service equipment;

4) Guidelines and protocols for pre-hospital and hospital facilities encompassing all levels of pediatric emergency medical services, hospital and pediatric critical care services, including, but not limited to, triage, stabilization, treatment, transfers and referrals;

5) Guidelines for hospital-based emergency departments appropriate for pediatric care to assess, stabilize, and treat critically ill infants and children and if necessary to prepare the child for transfer to a pediatric intensive care unit or pediatric trauma center;

6) Guidelines for pediatric intensive care units, pediatric trauma centers and intermediate care units fully equipped and staffed by appropriately trained critical care pediatric physicians, surgeons, nurses and therapists;

7) An inter-facility transfer system for critically ill or injured children;

8) Guidelines for pediatric rehabilitation units to ensure staffing by rehabilitation specialists and capabilities to provide any service required to assure maximum recovery from the physical, emotional and cognitive effects of critical illness and severe trauma;

9) Guidelines for the implementation of public education and injury prevention programs throughout the State in conjunction with local fire, public safety and school personnel;

10) Guidelines for the collection, analysis and dissemination of pediatric quality improvement information regarding ongoing improvements in the EMSC program;

11) Guidelines and protocols for pre-hospital providers and hospital facilities for the treatment, documentation, reporting and professional interactions with family members, and for referrals to social, psychological and rehabilitation services in suspected cases of child maltreatment; and

12) Guidelines addressing pediatric disaster/all-hazards preparedness.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

Section 515.460 Fees

a) The following fees shall be submitted to the Department at the time of application for examination, initial licensure, licensure renewal, duplicate license, or reciprocity:

1) EMT licensure: $45

2) EMT renewal: $20

3) EMT examination: $20

4) A-EMT or EMT-I licensure: $45

5) A-EMT or EMT-I renewal: $30

6) A-EMT or EMT-I examination: $30

7) Paramedic licensure: $60

8) Paramedic renewal: $40

9) Paramedic examination: $40

10) Trauma Nurse Specialist licensure: $50

11) Trauma Nurse Specialist renewal: $25

12) Trauma Nurse Specialist examination: $25 (see Section 515.750(f))

13) Emergency Communications Registered Nurse licensure: $55

14) Emergency Communications Registered Nurse renewal: $20

15) Emergency Medical Dispatcher licensure: $30

16) Emergency Medical Dispatcher renewal: $20

17) Pre-Hospital RN licensure: $30

18) Pre-Hospital RN renewal: $20

19) Pre-Hospital PA licensure: $30

20) Pre-Hospital PA renewal: $20

21) Pre-Hospital APRN licensure: $30

22) Pre-Hospital APRN renewal: $20

23~~19~~) Lead Instructor licensure: $40

24~~20~~) Lead Instructor renewal: $20

25~~21~~) EMR licensure: $55

26~~22~~) EMR renewal: $20

27~~23~~) Duplicate license: $10

28~~24~~) Reciprocity application processing fee: $50

29~~25~~) Fees for a reciprocity license or reinstatement of a license will be equal to the amount of the initial license fee.

30~~26~~) License status verification documentation for out-of-state or organizational requests: $25

31~~27~~) License renewal late fee during lapse period: $50

b) *An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN or PHRN who is a member of the Illinois National Guard or an Illinois State Trooper or* who *exclusively serves as a volunteer for units of local government with a population base of less than 5,000 or as a volunteer for a not-for-profit organization that serves a service area with a population base of less than 5,000* in this State *may submit an application to the Department for a waiver of the fees* for the EMS Personnel examination, licensure and license renewal *on a form prescribed by the Department.* (Section 3.50(d-5) of the Act) The fee waiver application shall be submitted to the Department and approved prior to examination, licensure or renewal. No fees will be refunded.

c) Fees shall be paid on-line or by certified check or money order made payable to the Department. Personal checks or cash will not be accepted.

d) If a candidate does not achieve a passing grade on the written examination, the fee for the retest is the same as for initial examination.

e) All fees submitted for licensure examinations are not refundable.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, EMERGENCY MEDICAL RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section 515.730 Pre-Hospital Registered Nurse, Pre-Hospital Physician Assistant, Pre-Hospital Advanced Practice Registered Nurse

a) To be approved and licensed as a PHRN, PHPA, PHAPRN:

1) An~~an~~ individual shall:

A~~1~~) Be a licensed RN, PA or APRN in good standing and in accordance with all requirements of the Illinois Department of Financial and Professional Regulation~~an RN in accordance with the Nurse Practice Act~~;

B~~2~~) Complete a~~an~~ supplemental education curriculum, formulated by an EMS System and approved by the Department, that~~which~~ consists of:

i) at least 40 hours of classroom and psychomotor education and measurement of competency equivalent to the entry level Paramedic program;~~ and~~

ii) practical education, including, but not limited to, advanced airway techniques, ambulance operations, *extrication, telecommunications, and pre-hospital cardiac and trauma care* of both the adult and pediatric population (Section 3.80(c)(1)(A) of the Act); and

iii) the EMS System's policies, protocols and standing orders; and

C~~3~~) Complete a minimum of 10 ALS runs supervised by a licensed EMS System, physician, an approved System PHRN, PHPA, PHAPN or a Paramedic, only as authorized by the EMS MD,~~;~~ and shall successfully complete a Paramedic examination approved by the Department.

2~~4~~) New applicants completing course work after January 1, 2018 and before September 1, 2020 shall successfully pass the State of Illinois Paramedic licensure examination. New applicants completing course work after September 1, 2020 shall successfully pass the National Registry of EMT's Paramedic cognitive assessment exam~~ as the PHRN cognitive competency examination~~; and

3~~5~~) The EMS MD shall electronically submit to the Department, using the Department's Electronic Transaction Form,~~ making~~ a recommendation for licensure for a PHRN, PHPA, PHAPN candidate who has completed and passed all components of the PHRN, PHPA, PHAPN education program and passed the final examination. The application will include demographic information, social security number, child support statement, felony conviction statement, and applicable fees and shall require

EMS System authorization.

b) To apply for a four year renewal, the PHRN, PHPA, PHAPN shall comply with Section 515.590.

c) Inactive Status

1) Prior to the expiration of the current license, a PHRN, PHPA, PHAPN may request to be placed on inactive status as outlined in Section 515.600. The request shall be made in writing to the EMS MD.

2) A PHRN, PHPA, PHAPN who wants to restore his or her license to active status shall follow the requirements set forth in Section 515.600.

3) If the PHRN, PHPA, PHAPN inactive status period exceeds 48 months, the licensee shall redemonstrate competencies and successfully pass the State Paramedic examination.

4) The EMS MD shall notify the Department in writing of a PHRN's, PHPA's, PHAPN's approval, reapproval, or granting or denying of inactive status within 10 days after any change in a PHRN's, PHPA's, PHAPN's approval status.

d~~e~~) A PHRN, PHPA, PHAPN shall notify the Department within 30 days after any change in name or address. Notification may be in person, or by mail, phone, fax, or electronic mail. Addresses may be changed through the Department's online system: https://emslicensing.dph.illinois.gov/Clients/ILDOHEMS/Private/AddressChange/AddressLogin.aspx. Names and gender changes require legal documents, i.e., marriage license or court documents.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.830 Ambulance Licensing Requirements

a) Vehicle Design

1) Each new vehicle used as an ambulance shall comply with the criteria established by the Federal Specifications for Ambulance, KKK-A-1822F, United States General Services Administration, with the exception of Section 3.16.2, Color, Paint and Finish.

2) *A licensed vehicle* shall be exempt *from subsequent vehicle design standards or specifications required by the Department* in this Part, *as long as* the *vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until* the *vehicle's title of ownership is transferred*. (Section 3.85(b)(8) of the Act)

3) The following requirements listed in Specification KKK-A-1822F shall be considered mandatory in Illinois even though they are listed as optional in that publication:

A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).

B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).

C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).

D) 3.15.4M3 Electric clock with sweep second hand will be provided.

b) Equipment Requirements – Basic Life Support Vehicles Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

1) Stretchers, Cots, and Litters

A) Primary Patient Cot
Shall meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822F.

B) Secondary Patient Stretcher

Shall meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822F.

2) Oxygen, Portable
Shall meet the operational requirements of section 3.12.2 of KKK-A-1822-F.

3) Suction, Portable

A) Shall meet the operational requirements of section 3.12.4 of KKK-A-1822F.

B) A manually operated suction device is acceptable if approved by the Department.

4) Medical Equipment

A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask, and child size bag-valve-mask ventilation unit with child, infant and newborn size transparent masks

B) Lower-extremity traction splint, adult and pediatric sizes

C) Blood pressure cuff, one each, adult, child and infant sizes and gauge

D) Stethoscopes, two per vehicle

E) Pneumatic counterpressure trouser kit, adult size, optional

F) Long spine board with three sets of torso straps, 72" x 16" minimum

G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one chin and head strap or equivalent vest type (wrap around) per vehicle; extrication device optional

H) Airway, oropharyngeal – adult, child, and infant, sizes 0-5

I) Airway, nasopharyngeal with lubrication, sizes 14-34F

J) Two adult and two pediatric sized non-rebreather oxygen masks per vehicle

K) Two infant partial re-breather oxygen masks per vehicle

L) Three nasal cannulas, adult and child size, per vehicle

M) Bandage shears, one per vehicle

N) Extremity splints, adult, two long and short per vehicle

O) Extremity splints, pediatric, two long and short per vehicle

P) Rigid cervical collars – one pediatric, small, medium, and large sizes or adjustable size collars per vehicle. Shall be made of rigid material to minimize flexion, extension, and lateral rotation of the head and cervical spine when spine injury is suspected

Q) Patient restraints, arm and leg, sets

R) Pulse oximeter with pediatric and adult probes

S) AED or defibrillator that includes pediatric capability

5) Medical Supplies

A) Trauma dressing – six per vehicle

B) Sterile gauze pads – 20 per vehicle, 4 inches by 4 inches

C) Bandages, soft roller, self-adhering type, 10 per vehicle, 4 inches by 5 yards

D) Vaseline gauze – two per vehicle, 3 inches by 8 inches

E) Adhesive tape rolls – two per vehicle

F) Triangular bandages or slings – five per vehicle

G) Burn sheets – two per vehicle, clean, individually wrapped

H) Sterile solution (normal saline) – four per vehicle, 500 cc or two per vehicle, 1,000 cc plastic bottles or bags

I) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one

J) Obstetrical kit, sterile – minimum one, pre-packaged with instruments and bulb syringe

K) Cold packs, three per vehicle

L) Hot packs, three per vehicle, optional

M) Emesis basin – one per vehicle

N) Drinking water – one quart, in non-breakable container; sterile water may be substituted

O) Ambulance emergency run reports – 10 per vehicle, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515.Appendix E or electronic documentation with paper backup

P) Pillows – two per vehicle, for ambulance cot

Q) Pillowcases – two per vehicle, for ambulance cot

R) Sheets – two per vehicle, for ambulance cot

S) Blankets – two per vehicle, for ambulance cot

T) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care

U) Urinal

V) Bedpan

W) Remains bag, optional

X) Nonporous disposable gloves

Y) Impermeable red biohazard-labeled isolation bag

Z) Face protection through any combination of masks and eye protection and field shields

AA) Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three tonsil tip semi-rigid pharyngeal suction tip catheters per vehicle; all shall have a thumb suction control port

BB) Child and infant or convertible car seats

CC) Current equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart

DD) Flashlight, two per vehicle, for patient assessment

EE) Current Illinois Department of Transportation Safety Inspection sticker in accordance with Section 13-101 of the Illinois Vehicle Code

FF) Illinois Poison Center telephone number

GG) Department of Public Health Central Complaint Registry telephone number posted where visible to the patient

HH) Medical Grade Oxygen

II) Ten disaster triage tags

JJ) State-approved Mass Casualty Incident (MCI) triage algorithms (START/JumpSTART)

c) Equipment Requirements – Intermediate and Advanced Life Support Vehicles
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) and shall also comply with the equipment and supply requirements as determined by the EMS MD in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages. These vehicles shall have a current pediatric equipment/drug dosage sizing tape or pediatric equipment/drug dosage age/weight chart.

d) Equipment Requirements – Rescue and/or Extrication
The following equipment shall be carried on the ambulance, unless the ambulance is routinely accompanied by a rescue vehicle:

1) Wrecking bar, 24"

2) Goggles for eye safety

3) Flashlight – one per vehicle, portable, battery operated

4) Fire Extinguisher – two per vehicle, ABC dry chemical, minimum 5-pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment

e) Equipment Requirements – Communications Capability
Each ambulance shall have reliable ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400.

f) Equipment Requirements – Epinephrine
An EMT, EMT-I, A-EMT or Paramedic who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) *with him or her* in the ambulance or drug box *as part of the EMS Personnel medical supplies whenever he or she is performing official duties, as determined by the EMS System* within the context of the EMS System plan. (Section 3.55(a-7) of the Act)

g) Personnel Requirements

1) Each Basic Life Support ambulance shall be staffed by a minimum of one System authorized EMT, A-EMT, EMT-I, Paramedic or PHRN, PHPA, PHAPN and one other System authorized EMT, A-EMT, EMT-I, Paramedic, PHRN ,PHPA, PHAPN or physician on all responses.

2) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one System authorized A-EMT, EMT-I, Paramedic or PHRN, PHPA, PHAPN and one other System authorized EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician on all responses.

3) Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one System authorized Paramedic or PHRN, PHPA, PHAPN and one other System authorized EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician on all responses.

h) Alternate Rural Staffing Authorization

1) A Vehicle Service Provider *that serves a rural or semi-rural population of 10,000 or fewer inhabitants and exclusively uses volunteers, paid-on-call* personnel *or a combination* to provide patient care may apply for alternate rural staffing authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle to be staffed by one EMS Personnel licensed at or above the level at which the vehicle is licensed, plus one EMR when two licensed EMTs, A-EMTs, EMT-Is, Paramedics, PHRNs, PHPAs, PHAPNs or physicians are not available to respond. (Section 3.85(b)(3) of the Act)

2) The EMS Personnel licensed at or above the level at which the ambulance is licensed shall be the primary patient care provider in route to the health care facility.

3) The Vehicle Service Provider shall obtain the prior written approval for alternate rural staffing from the EMS MD. The EMS MD shall submit to the Department a request for an amendment to the existing EMS System plan that clearly demonstrates the need for alternate rural staffing in accordance with subsection (h)(4) and that the alternate rural staffing will not reduce the quality of medical care established by the Act and this Part.

4) A Vehicle Service Provider requesting alternate rural staffing authorization shall clearly demonstrate all of the following:

A) That it has undertaken extensive efforts to recruit and educatelicensed EMTs, A-EMTs, EMT-Is, Paramedics, or PHRNs, PHPAs, PHAPNs;

B) That, despite its exhaustive efforts, licensed EMTs, A-EMTs, EMT-Is, Paramedics or PHRNs, PHPAs, PHAPNs are not available; and

C) That, without alternate rural staffing authorization, the rural or semi-rural population of 10,000 or fewer inhabitants served will be unable to meet staffing requirements as specified in subsection (g).

5) The alternate rural staffing authorization and subsequent authorizations shall include beginning and termination dates not to exceed 48 months. The EMS MD shall re-evaluate subsequent requests for authorization for compliance with subsections (h)(4)(A) through (C). Subsequent requests for authorization shall be submitted to the Department for approval in accordance with this Section.

6) Alternate rural staffing authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate rural staffing authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate rural staffing authorization presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing.

7) Vehicle Service Providers that cannot meet the alternate rural staffing authorization requirements of this Section may apply through the EMS MD to the Department for a staffing waiver pursuant to Section 515.150.

i) Alternate Response Authorization

1) A Vehicle Service Provider that exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care who are not required to be stationed with the vehicle may apply to the Department for alternate response authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department to travel to the scene of an emergency staffed by at least one licensed EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician.

2) A Vehicle Service Provider operating under alternate response authorization shall ensure that a second licensed EMS Personnel is on scene or in route to the emergency response location.

3) Unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h), the~~The~~ Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported with:

A) fewer than two EMTs, Paramedics or PHRNs, PHPAs, PHAPNs; ~~or~~

B) a physician; or

C) a combination, at least one of whom shall be licensed at or above the level of the license for the vehicle~~, unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h)~~.

4) Alternate response authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization presents an immediate threat to the health or safety of the public. After summary suspension, the licensee shall have the opportunity for an expedited hearing (see Section 515.180).

j) Alternate Response Authorization – Secondary Response Vehicles

1) A Vehicle Service Provider that uses volunteers or paid-on-call personnel or a combination to provide patient care, and staffs its primary response vehicle with personnel stationed with the vehicle, may apply for alternate response authorization for its secondary response vehicles. The secondary or subsequent ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department at the BLS, ILS or ALS level, when personnel are not stationed with the vehicle, may respond to the scene of an emergency when the primary vehicle is on another response. The vehicle shall be staffed by at least one System authorized licensed EMT, A-EMT, EMT-I, PHRN, PHPA, PHAPN or physician.

2) A Vehicle Service Provider operating under the alternate response authorization shall ensure that a second System authorized licensed EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician is on the scene or in route to the emergency response location, unless the Vehicle Service Provider is approved for alternate rural staffing authorization, in which case the second individual may be an EMR or First Responder.

3) Unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h), the~~The~~ Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported without at least one EMT who is licensed at or above the level of ambulance, plus at least one of the following: EMT, Paramedic, PHRN, PHPA, PHAPN or physician~~, unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h)~~.

4) Alternate response authorization for secondary response vehicles may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization for secondary response vehicles may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization for secondary vehicles presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing (see Section 515.180).

k) Operational Requirements

1) An ambulance that is transporting a patient to a hospital shall be operated in accordance with the requirements of the Act and this Part.

2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required in this subsection (k), each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS, ILS or BLS level, and the coverage shall meet the requirements of this Section.

A) At the time of application for initial or renewal licensure, and upon annual inspection, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.

i) A current roster shall also be submitted that lists the System authorized EMTs, A-EMTs, EMT-Is, Paramedics, PHRNs, PHPAs, PHAPNs or physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, license expiration date and telephone number, and shall state whether the person is scheduled to be on site or on call.

ii) An actual or proposed four-week staffing schedule shall also be submitted that covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.

B) Licensees shall obtain the EMS MD's approval of their vehicles' hours of operation prior to submitting an application to the Department. An EMS MD may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.

C) A Vehicle Service Provider that advertises its service as operating a specific number of vehicles or more than one vehicle shall state in the advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day. (See Section 515.800(j).)

3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Appendix E.

4) A Vehicle Service Provider shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for the service.

5) A Vehicle Service Provider shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h).)

6) A Vehicle Service Provider shall not operate its ambulance at a level exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless the vehicle is operated pursuant to an EMS System-approved in-field service level upgrade or ambulance service upgrades – rural population.

7) The Department will inspect ambulances each year. If the Vehicle Service Provider has no violations of this Section that threaten the health of safety of patients or the public for the previous five years and has no substantiated complaints against it, the Department will inspect the Vehicle Service Provider's ambulances in alternate years, and the Vehicle Service Provider may, with the Department's prior approval, self-inspect its ambulances in the other years. The Vehicle Service Provider shall use the Department's inspection form for self-inspection. Nothing contained in this subsection (k)(7) shall prevent the Department from conducting unannounced inspections.

l) A licensee may use a replacement vehicle for up to 10 days without a Department inspection, provided that the EMS System and the Department are notified of the use of the vehicle by the second working day.

m) *Patients, individuals who accompany a patient, and* EMS Personnel *may not smoke while inside an ambulance or SEMSV. The Department of Public Health* shall *impose a civil penalty on an individual who violates this subsection* (m) *in the amount of $100.* (Section 3.155(h) of the Act)

n) Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

Section 515.860 Critical Care Transport

a) Critical care transport *may be provided by:*

1) *Department-approved critical care transport providers, not owned or operated by a hospital, utilizing EMT-Paramedics with additional training, nurses, or other qualified health professionals; or*

2) *Hospitals, when utilizing any vehicle service provider or any hospital-owned or operated vehicle service provider. Nothing in* the *Act requires a hospital to use, or to be, a Department-approved critical care transport provider when transporting patients, including those critically injured or ill. Nothing in* the *Act shall restrict or prohibit a hospital from providing, or arranging for, the medically appropriate transport of any patient, as determined by a physician licensed to practice* medicine *in all of its branches, an APRN~~Advanced Practice Nurse~~, or a PA~~physician assistant~~.* (Section 3.10(f-5) of the Act)

b) *All critical care transport providers must function within a Department-approved EMS System. Nothing in* this Part *shall restrict a hospital's ability to furnish personnel, equipment, and medical supplies to any vehicle service provider, including a critical care transport provider.* (Section 3.10(g-5) of the Act)

c) For the purposes of this Section, "expanded scope of practice" includes the accepted national curriculum plus additional education, experience and equipment (see Section 515.360) as approved by the Department pursuant to Section 3.55 of the Act. Tier I transports are considered "expanded scope of practice".

d) For the purposes of this Section, CCT plans are defined in three tiers of care. Tier II and Tier III are considered Critical Care Transports.

e) Tier I
Tier I provides a level of care for patients who require care beyond the Department-approved Paramedic scope of practice, up to but not including the requirements of Tiers II and III. Tier I transport includes the use of a ventilator, the use of infusion pumps with administration of medication drips, and maintenance of chest tubes.

1) Personnel Staffing and Licensure

A) Licensure~~:~~

i) Licensed Illinois Paramedic, ~~or~~ PHRN, PHPA or PHAPN;

ii) Scope of practice more comprehensive than the national EMS scope of practice model approved by the Department in accordance with the EMS System plan (see Sections 515.310 and 515.330); and

iii) Approved to practice by the Department in accordance with the EMS System plan.

B) Minimum Staffing~~:~~

i) System authorized EMT, A-EMT, EMT-I, Paramedic, ~~or~~ PHRN, PHPA or PHAPN as driver; and

ii) System authorized expanded scope of practice Paramedic, PHRN, PHPA, PHAPN or physician who shall remain with the patient at all times.

2) Education, Certification and Experience

A) Initial Education.~~:~~ Documentation of initial education and demonstrated competencies of expanded scope of practice knowledge and skills as required by Tier I Level of Care and

approved by the Department in accordance with the EMS System plan.

B) CE Requirements~~:~~

i) Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed; and

ii) The EMS vehicle service provider shall maintain documentation of competencies and provide documentation to the EMS Resource Hospital upon request.

C) Certifications.~~—~~ Tier I personnel shall maintain all of the following renewable certifications and credentials in active status:

i) Advanced Cardiac Life Support (ACLS);

ii) Pediatric Education for Pre-Hospital Professionals (PEPP) or Pediatric Advance Life Support (PALS);

iii) International Trauma Life Support (ITLS) or Pre-Hospital Trauma Life Support (PHTLS); and

iv) Any additional educational course work or certifications required by the EMS MD.

D) Experience~~:~~

i) Minimum of one year of experience functioning in the field at an ALS level or as a physician in an emergency department; and

ii) Documentation of education and demonstrated competencies of expanded scope of practice knowledge and skills required for Tier I Level of Care, approved by the Department and included in the EMS System plan.

3) Medical Equipment and Supplies

A) Ventilator; and

B) Infusion pumps.

4) Vehicle Standards
Any vehicle used for providing expanded scope of practice care shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV Programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for expanded scope of practice transport shall be equipped with an onboard alternating current (AC) supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

5) Treatment and Transport Protocols shall address the following:

A) EMS MD or designee present at established Medical Control;

B) Communication points for contacting System authorized Medical Control and a written Expanded Scope of Practice Standard;

C) Written operating procedures and protocols signed by the EMS MD and approved for use by the Department in accordance with the System plan; and

D) Use of a ventilator, infusion pumps with administration of medication drips, and maintenance of chest tubes.

6) Quality Assurance Program

A) The Tier I transport provider shall develop a written Quality Assurance (QA) plan approved by the EMS System and the Department in accordance with subsection (e)(6)(D). The provider shall provide quarterly QA reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.

C) An EMS MD or a SEMSV shall oversee the QA program.

D) The QA plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:

i) Review of transferring physician orders and evidence of compliance with those orders;

ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;

iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;

v) Review of any Medical Control contact for further direction;

vi) Documentation that any unusual occurrences were promptly communicated to the EMS System; and

vii) A root cause analysis of any event or care inconsistent with standards. The EMS System educator shall assess and carry out a corrective action plan.

E) The QA plan shall be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).

f) Tier II

Tier II provides a level of care for patients who require care beyond the Department-approved national EMS scope of practice model and expanded scope of practice ALS (Paramedic) transport program, and who require formal advanced education for ALS Paramedic staff. Tier II transport includes the use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other equipment and treatment, such as, but not limited to: arterial lines; accessing central lines; medication-assisted intubation; patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.

1) Personnel Staffing and Licensure

A) Licensure − Licensed Illinois Paramedic, ~~or~~ PHRN, PHPA or PHAPN:

i) Expanded scope of practice more comprehensive than the national EMS scope of practice model and Tier I Level as approved by the Department; and

ii) Approved to practice by the EMS System and the Department in accordance with the EMS System plan.

B) Minimum Staffing:

i) System authorized Paramedic, ~~or~~ PHRN, PHPA or PHAPN; and

ii) System authorized Paramedic, PHRN, PHPA, PHAPN or physician who is critical care prepared and who shall remain with the patient at all times.

2) Education, Certification and Experience

A) Initial Advanced Formal Education.~~:~~

i) At a minimum, 80 didactic hours of established higher collegiate education or equivalent critical care education based on nationally recognized program models; and

ii) Demonstrated competencies, as documented by the EMS MD or SEMSV MD and approved by the Department.

B) CE Requirements~~:~~

i) The EMS System shall document and maintain annual competencies of expanded scope of practice knowledge, equipment and procedures;

ii) The following current credentials, as a minimum, shall be maintained: ACLS, PEPP or PALS, ITLS or PHTLS;

iii) A minimum of 40 hours of critical care level education shall be completed every four years;

iv) The EMS provider shall maintain documentation of compliance with subsections (f)(2)(B)(i) through (iii) and shall provide documentation to the EMS Resource Hospital upon request; and

v) Nationally recognized critical care certifications shall be maintained and renewed based on national recertification criteria.

C) Experience.~~—~~ Minimum of two years experience functioning in the field at an ALS level for Paramedics and PHRNs and one year experience in an emergency department for physicians.

3) Medical Equipment and Supplies

A) Ventilator; and

B) Infusion pumps.

4) Vehicle Standards
Any vehicle used for providing critical care transport shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV Programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for CCT shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

5) Treatment and Transport Protocols shall address the following:

A) EMS MD or designee present at established Medical Control communication points and a written Expanded Scope of Practice Standard Operating Procedure signed by the EMS MD and approved for use by the Department in accordance with the System plan;

B) The use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other equipment and treatment, such as, but not limited to: arterial lines, accessing central lines, and medication-assisted intubation; and

C) Patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.

6) Quality Assurance Program

A) The Tier II transport provider shall develop a written QA plan approved by the EMS System and the Department in accordance with subsection (f)(6)(D). The participating provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.

C) An EMS MD or SEMSV MD shall oversee the QA program.

D) The QA plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:

i) Review of transferring physician orders and evidence of compliance with those orders;

ii) Documentation of vital signs and frequency, and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

iii) Documentation of any side effects or complications, including, but not limited to, hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;

iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;

v) Review of any Medical Control contact for further direction;

vi) Documentation that unusual occurrences were promptly communicated to the EMS System; and

vii) A root cause analysis shall be completed for any event or care inconsistent with standards. The EMS MD or the SEMSV MD shall recommend and implement a corrective action plan.

E) The QA plan shall be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).

g) Tier III
Tier III provides the highest level of ground transport care for patients who require nursing level treatment modalities and interventions.

1) Minimum Personnel Staffing and Licensure

A) EMT, A-EMT, EMT-I or Paramedic (as driver); and

B) Two critical care prepared providers, who shall remain with the patient at all times:

i) Paramedic, ~~or~~ PHRN, PHPA or PHAPN; and

ii) RN, ~~or~~ PHRN, PHPA or PHAPN.

2) Education, Certification, and Experience: Paramedic, ~~or~~ PHRN, PHPA or PHAPN

A) Initial Advanced Formal Education

i) Approval to practice by EMS System and the Department in accordance with the EMS program plan;

ii) At a minimum, 80 didactic hours of established higher collegiate education or equivalent critical care education nationally recognized program models;

iii) Demonstrated competencies, as documented by EMS MD and SEMSV MD and approved by the Department; and

iv) Expanded scope of practice more comprehensive than the national EMS scope of practice model and Tier II level as approved by the Department.

B) CE Requirements

i) The EMS System shall document and maintain annual competencies of expanded scope of practice knowledge, equipment and procedures;

ii) The following valid credentials, at a minimum, shall be maintained: ACLS, PEPP~~PEPPO~~ or PALS, ITLS or PHTLS;

iii) A minimum of 40 hours of critical care level CE shall be completed every four years;

iv) The EMS provider shall maintain documentation of compliance with subsection (g)(2)(B)(i) and shall provide documentation to the EMS Resource Hospital upon request; and

v) Nationally recognized critical certifications shall be maintained and renewed based on national recertification criteria.

C) Experience

i) Minimum of two years experience functioning in the field at an ALS Level;

ii) Documented demonstrated competencies; and

iii) Completion of annual competencies of expanded scope knowledge, equipment and procedures.

3) Education, Certification and Experience − Registered Professional Nurse~~:~~

A) CE Requirements

i) A minimum of 48 hours of critical care level education shall be completed every four years;

ii) The EMS provider shall maintain documentation of compliance with subsection (g)(3)(A)(i) and shall provide documentation to the EMS Resource Hospital upon request; and

iii) Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed.

B) Certifications
Tier III personnel shall maintain the following valid critical care certifications and credentials:

i) ACLS;

ii) PALS, PEPP or ENPC;

iii) ITLS, PHTLS, TNCC or TNS; and

iv) ECRN or equivalent.

C) Advanced Certifications Preferred but not Required

i) Certified Emergency Nurse (CEN);

ii) Critical Care Registered Nurse (CCRN);

iii) Critical Care Emergency Medical Technician-Paramedic (CCEMT-P);

iv) Certified Registered Flight Nurse (CFRN); and

v) Certified Transport Registered Nurse (CTRN).

D) Experience

i) Two years of experience with demonstrated competency in a critical care setting; and

ii) Documented demonstrated EMT System competencies.

4) Medical Equipment and Supplies
Tier III transport requires nursing level treatment modalities and interventions as agreed upon by the sending physician and the accepting physician at the receiving facility. If either physician is not available for consult, the EMS MD or SEMSV MD or designee shall direct care.

5) Vehicular Standards
Any vehicle used for providing CCT shall comply, at a minimum, with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV Programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for CCT shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

6) Treatment and Transport Protocols shall address the following:

A) Paramedic, ~~or~~ PHRN, PHPA or PHAPN: EMS MD or designee present at established Medical Control communication points and written Critical Care Standard Operating procedure signed by the EMS MD and approved for use by the Department in accordance with the System plan;

B) Registered Professional Nurse: The provider's EMS MD or SEMSV Critical Care MD may establish standing medical orders for nursing personnel, or the RN may be approved to accept orders from the sending physician or receiving physician.

7) Quality Assurance Program

A) The Tier III transport provider shall have a written QA plan approved by the EMS System and the Department, in accordance with subsection (g)(7)(D). The provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.

C) An EMS MD or SEMSV MD shall oversee the QA program.

D) The QA plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:

i) Review of transferring physician orders and evidence of compliance with those orders;

ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

iii) Documentation of any side effects or complications, including, but not limited to, hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status or changes in neurological examination, and evidence that interventions were appropriate for those events;

iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;

v) Review of any medical control contact for further direction;

vi) Prompt communication of unusual occurrences to the EMS System;

vii) A root cause analysis shall be completed for any event or care inconsistent with standards. The EMS MD or the SEMSV MD shall recommend and implement a corrective action plan.

E) The QA plan will be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).

h) The Department will approve vehicle service providers for CCT when the provider demonstrates compliance with an approved EMS System's CCT program plan for Tier II or Tier III transports. Only Department-approved agencies may advertise as CCT providers.

i) The Department will suspend a vehicle service provider's approval for critical care transport if any part of the provider's QA plan is not followed or if a situation exists that poses a threat to the public health and safety. The Department will provide a notice of suspension of CCT approval and an opportunity for hearing. If the vehicle service provider does not respond to the notice within 10 days after receipt, approval will be revoked.

j) The Director may summarily suspend any licensed provider's authorization to perform CCT under this Part if the Director or designee determines that continued CCT by the provider poses an imminent threat to the health or safety of the public. Any order for suspension will be in writing and effective immediately upon service of the provider or its lawful agent. Any provider served with an order of suspension shall immediately cease accepting all CCT cases and shall have the right to request a hearing if a written request is delivered to the Department within 15 days after receipt of the order of suspension. If a timely request is delivered to the Department, then the Department will endeavor to schedule a hearing in an expedited manor, taking into account equity and the need for evidence and live witnesses at the hearing. The Department is authorized to seek injunctive relief in the circuit court if the Director's order is violated.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section 515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)

a) Professional Staff: Physicians

1) Qualifications

Twenty-four hour coverage of the emergency department (excluding designated areas utilized to care for minor illnesses or injuries, i.e., fast track, urgent care) shall be provided by one or more physicians responsible for the care of all children. Each physician shall hold one of the following qualifications:

A) Certification in emergency medicine by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) or residency trained/board eligible in emergency medicine and in the first cycle of the board certification process; or

B) Sub-board Certification in pediatric emergency medicine by the American Board of Pediatrics or the ABEM or residency trained/board eligible in pediatric emergency medicine and in the first cycle of the board certification process; or

C) Certification by one of the following boards and current American Heart Association – American Academy of Pediatrics (AHA-AAP) Pediatric Advanced Life Support (PALS) recognition or American College of Emergency Physicians – American Academy of Pediatrics (ACEP-AAP) Advanced Pediatric Life Support (APLS) recognition. PALS and APLS courses shall include both cognitive and practical skills evaluation.

i) Certification in family medicine by the American Board of Family Medicine (ABFM) or American Osteopathic Board of Family Medicine (AOBFM); or

ii) Certification in pediatrics by the ABP or American Osteopathic Board of Pediatrics (AOBP); or

iii) Residency trained/board eligible in either family medicine or pediatrics and in the first cycle of the board certification process; or

D) Alternate Criteria.~~:~~ The physician has worked in the emergency department prior to January 1, 2018 and has completed 12 months of internship followed by at least 7000 hours of hospital-based

emergency medicine, including pediatric patients, over the last 60-month period (including at least 2800 hours within one continuous 24-month period), certified in writing by the hospitals at which the internship and subsequent hours were completed. The physician shall have current AHA-AAP PALS or ACEP-AAP APLS recognition and have completed at least 16 hours of pediatric CME within the past two years.

2) Continuing Medical Education
All full- and part-time emergency physicians caring for children in the emergency department or fast track/urgent care area shall have documentation of completion of a minimum of 16 hours of continuing medical education (AMA Category I or II) in pediatric emergency topics every two years. CME hours shall be earned by, but not limited to, verified attendance at or participation in formal CME programs (i.e., Category I) or informal CME programs (i.e., Category II), all of which shall have pediatrics as the majority of their content. The CME may be obtained from a pediatric specific program/course or may be a pediatric lecture/presentation from a workshop/conference. To meet Category II, teaching time needs to have undergone review and received approval by a university/hospital as Category II CME. The Illinois Department of Financial and Professional Regulation can provide guidance related to criteria for acceptable Category I or II credit.

3) Physician Coverage
At least one physician meeting the requirements of subsection (a)(1) shall be on duty in the emergency department 24 hours a day.

4) Consultation
Telephone consultation with a physician who is board certified or eligible in pediatrics or pediatric emergency medicine shall be available 24 hours a day. Consultation can be with an on-staff physician or in accordance with Appendix M.

5) Physician Backup
A backup physician whose qualifications and training are equivalent to subsection (a)(1) shall be available in person to the EDAP within one hour after notification to assist with critical situations, increased surge capacity or disasters.

6) On-Call Physicians
Guidelines shall be established that address on-site response time for all on-call specialty physicians.

b) Professional Staff: Nurse Practitioner, Clinical Nurse Specialist, and Physician Assistant
This subsection (b) pertains to nurse~~Nurse~~ practitioners, clinical nurse specialists, and PAs~~physician assistants~~ working within their scope of practice, and credentialed as defined by the hospital~~under the supervision of a physician who meets the qualifications of subsection (a)(1)~~.

1) Qualifications

A) Nurse practitioners shall: ~~meet the following criteria:~~

~~i) Completion of:~~

~~• a nurse practitioner program with a focus on the pediatric patient, such as a pediatric nurse practitioner program or emergency nurse practitioner program or family practice nurse practitioner program; or~~

i) Either:

• Successfully complete a nurse practitioner program with a focus on the pediatric patient. The following are programs that qualify as focused on pediatric patients: acute care pediatric nurse practitioner program, primary care pediatric nurse practitioner program, pediatric critical care nurse practitioner program, emergency nurse practitioner program, or family practice nurse practitioner program; or

•~~ii)~~ Alternate Criteria: The nurse practitioner worked in the emergency department prior to January 1, 2018 and has completed at least 2000 hours of hospital-based emergency department or acute care as a

nurse practitioner over the last 24-month period that includes the care of pediatric patients. This must be certified in writing by the hospitals at which the hours were completed.

ii) Hold a current~~Current~~ Illinois~~ advanced practice nursing~~ APRN license. For out-of-state facilities with ~~that have~~ Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the nurse practitioner~~professional~~ shall have an unencumbered license in the state in which he or she practices.

iii) Provide credentialing~~Credentialing~~ that reflects orientation, ongoing training, and specific competencies in the care of the pediatric emergency patient, as defined by the hospital credentialing process.

B) Clinical nurse specialists shall:

i) Complete a clinical nurse specialist program that includes pediatrics;

ii) Maintain pediatric clinical nurse specialist certification through a nationally recognized organization (American Association of Critical Care Nurses (AACN), American Nurses Credentialing Center (ANCC), or an equivalent national organization);

iii) Hold a current Illinois APRN license. For out-of-state facilities with Illinois recognition under the EMS, trauma, or pediatric program, the clinical nurse specialist shall have an unencumbered license in the state in which he or she practices; and

iv) Provide credentialing that reflects orientation, ongoing training, and specific competencies in the care of the pediatric emergency patient, as defined by the hospital credentialing process.

C) Physician Assistants~~assistants~~ shall~~ meet the following criteria~~:

i) Hold a current~~Current~~ Illinois Physician Assistant License~~licensure~~. For out-of-state facilities with~~that have~~ Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the PA~~professional~~ shall have an unencumbered license in the state in which he or she practices; and

ii) Provide credentialing~~Credentialing~~ that reflects orientation, ongoing training, and specific competencies in the care of the pediatric emergency patient, as defined by the hospital credentialing process.

2) Continuing Education

A) All full- or part-time nurse practitioners, clinical nurse specialists, and PAs~~physician assistants~~ caring for children in the emergency department shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS, the ACEP-AAP APLS, or the Emergency Nurses Association (ENA) Emergency Nursing Pediatric Course (ENPC). PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.

B) All full- or part-time nurse practitioners, clinical nurse specialists, and PAs~~physician assistants~~ caring for children in the emergency department and fast track/urgent care area shall have documentation of a minimum of 16 hours of continuing education in pediatric emergency topics every two years that are approved by an accrediting agency.

c) Professional Staff: Nursing

1) Qualifications

A) At least one ~~registered nurse (~~RN~~)~~ on duty each shift who is responsible for the direct care of the child in the emergency department shall successfully complete and maintain current

recognition in one of the following courses in pediatric emergency care:

i) AHA-AAP PALS;

ii) ACEP-AAP APLS; or

iii) ENA ENPC.

B) All emergency department nurses shall successfully complete and maintain the current recognition required in subsection (c)(1)(A)~~in one of the above educational requirements~~ within 24 months after employment. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.

2) Continuing Education
All nurses assigned to the emergency department shall have documentation of a minimum of eight hours of pediatric emergency or ~~/~~critical care continuing education every two years. Continuing education may include, but is not limited to, PALS, APLS or ENPC; CEU offerings; case presentations; competency testing; teaching courses related to pediatrics; ~~and/~~or publications. These continuing education hours can be integrated with other existing continuing education requirements, provided that the content is pediatric specific.

d) Guidelines, Policies and Procedures

1) Inter-facility Transfer

A) The hospital shall have current written transfer agreements that cover pediatric patients. The transfer agreements shall include a provision that addresses communication and quality improvement measures between the referral and receiving hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.

B) The hospital shall have written pediatric inter-facility transfer guidelines, ~~and~~ policies or~~/~~ procedures concerning transfer of critically ill and injured patients, which include a defined process

for initiation of transfer, including the roles and responsibilities of the referring hospital and referral center; a process for selecting the appropriate care facility; a process for selecting the appropriately staffed transport service to match the patient's acuity level; a process for patient transfer (including obtaining informed consent); a plan for transfer of patient medical record information, signed transport consent, and belongings; and a plan for provision of referral hospital information to family. Incorporating the components of Appendix M~~ of this Part~~ into the emergency department transfer policy/procedure will meet this requirement.

2) Suspected Child Abuse and Neglect
The hospital shall have policies/procedures addressing child abuse and neglect. These policies/procedures shall include, but not be limited to: the identification (including screening), evaluation, treatment and referral to the Department of Children and Family Services (DCFS) of victims of suspected child abuse and neglect in accordance with State law.

3) Emergency Department Treatment Guidelines
The hospital shall have emergency department pediatric specific treatment guidelines, order sets or policies and procedures addressing initial assessment and management for its high-volume and high-risk pediatric population (i.e., fever, trauma, respiratory distress, seizures).

4) Latex-Allergy Policy
The hospital shall have a policy addressing the assessment of latex allergies and the availability of latex-free equipment and supplies.

5) Disaster Preparedness
The hospital shall integrate pediatric components into its hospital Disaster Plan or~~/~~ Emergency Operations Plan.

e) Quality Improvement

1) Multidisciplinary Quality Activities Policy

A) Pediatric emergency medical care shall be included in the EDAP's emergency department or section quality improvement (QI) program and reported to the hospital Quality Committee.

B) Multidisciplinary quality improvement (QI) processes/activities shall be established (e.g., committee).

C) Quality monitors shall be documented that address pediatric care within the emergency department, with identified clinical indicators, monitor tools, defined outcomes for care, feedback loop processes and target timeframes for closure of issues. These activities shall include children from birth up to and including 15 years of age and shall consist of, but are not limited to, all emergency department:

i) Pediatric deaths;

ii) Pediatric inter-facility transfers;

iii) Child abuse and neglect cases;

iv) Critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure); and

v) Pediatric quality and safety priorities of the institution.

D) *All information contained in or relating to any medical audit*/quality improvement monitor *performed of a* PCCC's, EDAP's or SEDP's pediatric services pursuant to this Section *shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure.* (Section 3-110(a) of the Act)

2) Pediatric Physician Champion
The emergency department medical director shall appoint a physician to champion pediatric quality improvement activities. The pediatric physician champion shall work with and provide support to the pediatric quality coordinator.

3) Pediatric Quality Coordinator

A member of the professional staff who has ongoing involvement in the care of pediatric patients shall be designated to serve in the role of the pediatric quality coordinator. The pediatric quality coordinator shall have a job description that includes the allocation of appropriate time and resources by the hospital. This individual may be employed in an area other than the emergency department provided he or she has~~and shall have~~ a minimum of 3600 hours~~two years~~ of pediatric critical care experience or emergency department experience. Working with the pediatric physician champion, the responsibilities of the pediatric quality coordinator shall include:

A) Working in conjunction with the ED nurse manager and ED medical director to ensure compliance with and documentation of the pediatric continuing education of all emergency department staff in accordance with subsections (a), (b)~~,~~ and (c).

B) Coordinating data collection for identified clinical indicators and outcomes (see subsection (e)(1)(C)).

C) Reviewing selected pediatric cases transported to the hospital by pre-hospital providers and providing feedback to the EMS Coordinator/System.

D) Participating in regional QI activities, including preparing a written QI report and attending the Regional QI subcommittee. These activities shall be supported by the hospital. One representative from the Regional QI subcommittee shall report to the EMS Regional Advisory Board.

E) Providing QI information to the Department upon request. (See Section 3.110(a) of the Act.)

f) Equipment, Trays~~,~~ and Supplies
See Appendix L.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

Section 515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)

a) Professional Staff: Physicians

1) Qualifications

A) All physicians shall have training in the care of pediatric patients through residency training, clinical training, or practice.

B) All physicians shall successfully complete and maintain current recognition in the AHA-AAP PALS or the ACEP-AAP APLS. Physicians who are board certified or eligible in emergency medicine (ABEM or AOBEM) or in pediatric emergency medicine (ABP/ABEM) are excluded from this requirement. PALS and APLS shall include both cognitive and practical skills evaluation.

2) Continuing Medical Education
All full and part-time emergency physicians caring for children in the emergency department or fast track/urgent care area shall have documentation of a minimum of 16 hours of continuing medical education (AMA Category I or II) in pediatric emergency topics every two years. CME hours shall be earned by, but not limited to, verified attendance at or participation in formal CME programs (i.e., Category I) or informal CME programs (i.e., Category II), all of which shall have pediatrics as the majority of their content. The CME may be obtained from a pediatric specific program/course or may be a pediatric lecture/presentation from a workshop/conference. To meet Category II, teaching time needs to have undergone review and received approval by a university/hospital as Category II CME. The Illinois Department of Financial and Professional Regulation can provide guidance related to criteria for acceptable Category I or II credit.

3) Coverage
At least one physician meeting the requirements of subsection (a)(1), or a nurse practitioner, clinical nurse specialist, or PA~~physician assistant~~ meeting the requirements of subsection (b)(1), shall be on duty in the emergency department 24 hours a day or immediately available in person. A policy shall define when a physician is to be consulted or~~/~~called in at times when the emergency department is covered by one of these clinicians~~a mid-level provider~~.

4) Consultation
Telephone consultation with a physician who is board certified or eligible in pediatrics or pediatric emergency medicine shall be available 24 hours a day. Consultation may be with an on-call physician or in accordance with Appendix M.

5) Physician, Nurse Practitioner, Clinical Nurse Specialist, Physician Assistant Backup
A backup physician, nurse practitioner, clinical nurse specialist, or PA whose qualifications and training are equivalent to that required by subsections~~subsection~~ (a) and (b)~~(1)~~ shall be available in person to the SEDP, within one hour after notification, to assist with critical situations, increased surge capacity or disasters.

6) On-Call Physicians
Guidelines shall address response time for on-call physicians.

b) Professional Staff: Nurse Practitioner, Clinical Nurse Specialist and Physician Assistant
This subsection (b) pertains to nurse~~Nurse~~ practitioners, clinical nurse specialists, and PAs~~physician assistants~~ working within their scope of practice, and credentialed as defined by the hospital~~under the supervision of a physician who meets the qualifications of subsection (a)(1)~~.

1) Qualifications

A) Nurse practitioners shall~~ meet the following criteria~~:

~~i) Completion of:~~

~~• a nurse practitioner program with a focus on the pediatric patient, such as a pediatric nurse practitioner program or emergency nurse practitioner program or family practice nurse practitioner program; or~~

~~• Alternate Criteria: The nurse practitioner worked in the emergency department prior to January 1, 2018~~

~~and has completed at least 2000 hours of hospital-based emergency department or acute care as a nurse practitioner over the last 24-month period that includes the care of pediatric patients certified in writing by the hospitals at which the hours were completed.~~

i) Successfully Complete a Nurse Practitioner Program with a Focus on the Pediatric Patient. The following are programs that qualify as focused on pediatric patients: acute care pediatric nurse practitioner program, primary care pediatric nurse practitioner program, pediatric critical care nurse practitioner program, emergency nurse practitioner program, or family practice nurse practitioner program; or

ii) Alternate Criteria: The nurse practitioner worked in the emergency department prior to January 1, 2018 and has completed at least 2000 hours of hospital-based emergency department experience or acute care experience as a nurse practitioner over the last 24-month period that includes the care of pediatric patients. This must be certified in writing by the hospitals at which the hours were completed.

iii~~ii~~) Current Illinois APRN~~advanced practice nursing~~ license. For out-of-state facilities with~~that have~~ Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the nurse practitioner~~professional~~ shall have an unencumbered license in the state in which he or she practices.

iv~~iii~~) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient, as defined by the hospital credentialing process.

B) Clinical nurse specialists shall:

i) Complete a clinical nurse specialist program that includes pediatrics;

ii) Maintain pediatric clinical nurse specialist certification through a nationally recognized organization (American Association of Critical Care Nurses (AACN), American Nurses Credentialing Center (ANCC), or an equivalent national organization);

iii) Hold a current Illinois APRN license. For out-of-state facilities with Illinois recognition under the EMS, trauma, or pediatric program, the clinical nurse specialist shall have an unencumbered license in the state in which he or she practices; and

iv) Provide credentialing that reflects orientation, ongoing training, and specific competencies in the care of the pediatric emergency patient, as defined by the hospital credentialing process.

C~~B~~) Physician Assistants~~assistants~~ shall~~ meet the following criteria~~:

i) Hold a current~~Current~~ Illinois Physician Assistant License~~physician assistant licensure~~. For out-of-state facilities with~~that have~~ Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the professional shall have an unencumbered license in the state in which he or she practices.

ii) Provide credentialing~~Credentialing~~ that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient as defined by the hospital credentialing process.

2) Continuing Education

A) All full- and part-time nurse practitioners, clinical nurse specialists, and PAs~~physician assistants~~ caring for children in the emergency department shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS, the ACEP-AAP APLS or the Emergency Nurses Association (ENA) Emergency Nursing Pediatric Course (ENPC). PALS,

APLS and ENPC shall include both cognitive and practical skills evaluation.

B) All full- and part-time nurse practitioners, clinical nurse specialists, and PAs~~physician assistants~~ caring for children in the emergency department and fast track/urgent care area shall have documentation of a minimum of 16 hours of continuing education in pediatric emergency topics every two years that are approved by an accrediting agency.

c) Professional Staff: Nursing

1) Qualifications
At least one RN on duty each shift who is responsible for the direct care of the child in the emergency department shall successfully complete and maintain current recognition in one of the following courses in pediatric emergency care:

A) AHA-AAP PALS;

B) ACEP-AAP APLS; or

C) ENA ENPC.

2) Continuing Education
At least one RN~~Registered Nurse~~ on duty on each shift who is responsible for the direct care of the child in the emergency department shall have documentation of a minimum of eight hours of pediatric emergency or~~/~~ critical care continuing education every two years. Continuing education may include, but is not limited to, PALS, APLS or ENPC; CEU offerings; case presentations; competency testing; teaching courses related to pediatrics; and publications. The continuing education hours may be integrated with other existing continuing education requirements, provided that the content is pediatric specific. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.

d) Policies and Procedures

1) Inter-facility Transfer

A) The hospital shall have current written transfer agreements that cover pediatric patients. The transfer agreements shall include a provision that addresses communication and quality improvement measures between the referral and receiving hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.

B) The hospital shall have written pediatric inter-facility transfer guidelines,~~/~~ policies, or ~~/~~procedures concerning transfer of critically ill and injured patients, which include a defined process for initiation of transfer, including the roles and responsibilities of the referring hospital and referral center; a process for selecting the appropriate care facility; a process for selecting the appropriately staffed transport service to match the patient's acuity level; a process for patient transfer (including obtaining informed consent); a plan for transfer of patient medical record information, signed transport consent, and belongings; and a plan for provision of referral hospital information to family. Incorporating the components of Appendix M into the emergency department transfer policy/procedure will meet this requirement.

2) Suspected Child Abuse and Neglect
The hospital shall have policies/procedures addressing child abuse and neglect. These policies/procedures shall include, but not be limited to: the identification (including screening), evaluation, treatment and referral to DCFS of victims of suspected child abuse and neglect in accordance with State law.

3) Emergency Department Treatment Guidelines
The hospital shall have emergency department pediatric specific treatment guidelines, order sets or policies and procedures addressing initial assessment and management for its high-volume and high-risk pediatric population (i.e., fever, trauma, respiratory distress, seizures).

4) Latex-Allergy Policy
The hospital shall have a policy addressing the assessment of latex allergies and the availability of latex-free equipment and supplies.

5) Disaster Preparedness
The hospital shall integrate pediatric components into its Disaster Plan or~~/~~ Emergency Operations Plan.

e) Quality Improvement

1) Multidisciplinary Quality Activities Policy

A) Pediatric emergency medical care shall be included in the SEDP's emergency department or section QI program and reported to the hospital Quality Committee.

B) Multidisciplinary quality improvement processes/ activities shall be established (e.g., committee).

C) Quality monitors shall be documented that address pediatric care within the emergency department, with identified clinical indicators, monitor tools, defined outcomes for care, feedback loop processes and target timeframes for closure of issues. These activities shall include children from birth up to and including 15 years of age and shall consist of, but are not limited to, all emergency department:

i) Pediatric deaths;

ii) Pediatric inter-facility transfers;

iii) Child abuse and neglect cases;

iv) Critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure; and

v) Pediatric quality and safety priorities of the institution.

D) *All information contained in or relating to any medical audit/quality improvement monitor performed of a* PCCC's, EDAP's or SEDP's pediatric services *pursuant to* this Section *shall be afforded the same status as is provided information concerning*

medical studies in Article VIII, Part 21 of the Code of Civil Procedure. (Section 3.110(a) of the Act)

2) Pediatric Physician Champion
The emergency department medical director shall appoint a physician to champion pediatric quality improvement activities. The pediatric physician champion shall work with and provide support to the pediatric quality coordinator.

3) Pediatric Quality Coordinator
A member of the professional staff who has ongoing involvement in the care of pediatric patients shall be designated to serve in the role of the pediatric quality coordinator. The pediatric quality coordinator shall have a job description that includes the allocation of appropriate time and resources by the hospital. This individual may be employed in an area other than the emergency department provided he or she has~~and shall have~~ a minimum of 3600 hours~~two years~~ of pediatric critical care experience or emergency department experience. Working with the pediatric physician champion, the responsibilities of the pediatric quality coordinator shall include:

A) Working in conjunction with the ED nurse manager and ED medical director to ensure compliance with and documentation of the pediatric continuing education of all emergency department professional staff in accordance with subsections (a), (b) and (c).

B) Coordinating data collection for identified clinical indicators and outcomes (see subsection (e)(1)(C)).

C) Reviewing selected pediatric cases transported to the hospital by pre-hospital providers and providing feedback to the EMS Coordinator/System.

D) Participating in regional QI activities, including preparing a written QI report and attending the Regional QI subcommittee meetings. These activities shall be supported by the hospital. One representative from the Regional QI subcommittee shall report to the EMS Regional Advisory Board.

E) Providing QI information to the Department upon request. (See Section 3.110(a) of the Act.)

f) Equipment, Trays, and Supplies
See Appendix L.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

Section 515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

Any facility seeking PCCC level recognition shall meet requirements for both the EDAP and PCCC levels.

a) Facility Requirements
A facility recognized as a PCCC Center shall provide the following:

1) An EDAP-recognized emergency department;

2) A distinct Pediatric Intensive Care Unit (PICU);

3) A PICU Committee established as a standing (interdisciplinary) committee within the hospital with membership that includes~~including~~, at a minimum, ~~but not limited to,~~one physician~~physicians~~, one RN~~nurses~~, one respiratory therapist~~respiratory therapists~~, and other~~others~~ specialties as determined by the hospital~~directly involved in PICU activities~~;

4) Helicopter landing capabilities approved by State and federal authorities;

5) Computerized axial tomography (CAT) scan availability 24 hours a day;

6) Laboratory 24 hours a day in-house, providing:

A) Standard analysis of blood, urine and body fluids;

B) Blood typing and cross-matching;

C) Coagulation studies;

D) Comprehensive blood bank or an agreement with a community central blood bank;

E) Blood gases and pH determinations;

F) Microbiology, including the ability to initiate aerobic and anaerobic cultures on site; and

G) Drug and alcohol screening;

7) Hemodialysis capabilities or a transfer agreement;

8) Staff, including a child life specialist, occupational therapy, speech therapy, physical therapy, social work, dietary, psychiatry and child protective services;

9) Hospital support staff to act as a resource and participate in multidisciplinary regional pediatric critical care education;

10) A plan for implementing a program of public information/education concerning emergency care services for pediatrics; and

11) Support for active institutional and collaborative regional research.

b) PICU Medical Director Requirements
A Medical Director shall be appointed, and a record of appointment and acceptance shall be in writing.

1) Qualifications
The PICU shall have a dedicated Medical Director who is:

A) Board certified in Pediatrics by the ABP or the AOBP, and Board certified or in the process of certification in Pediatric Critical Care Medicine by ABP, or Pediatric Intensive Care by AOBP; ~~or~~

B) Board certified in Pediatrics by the ABP or the AOBP, and Board certified in a pediatric subspecialty with at least 50% practice in pediatric critical care. In this situation, a physician who meets the

criteria in subsection (b)(1)(A) shall be appointed as Co-director; ~~or~~

C) Board certified in Anesthesiology by the American Board of Anesthesiology (ABA), or the American Osteopathic Board of Anesthesiology (AOBA), with practice limited to infants and children and with a subspecialty certification in Critical Care Medicine. In this situation, a physician who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director; or

D) Board certified~~Board-certified~~ in Pediatric Surgery by the American Board of Surgery (ABS) with a subspecialty certification in Surgical Critical Care Medicine by the ABS. In this situation (ABS), a physician who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director.

2) The Medical Director ~~and/~~or Co-Director shall achieve certification within seven years after his/her initial acceptance into the certification process for pediatric critical care or intensive care medicine, and shall maintain certification.

c) PICU Medical Staff Requirements

1) Qualifications

A) The PICU shall have 24-hour in-hospital coverage provided by a board certified~~Board-certified~~ pediatric intensivist, certified by ABP or AOBP, or board eligible~~Board-eligible~~ pediatric intensivist in the process of certification by ABP or AOBP, who is responsible for the supervision of the physicians listed in subsections (c)(1)(A)(i) and (ii), and who is available within 30 minutes in-house after the determination is made that he or she is needed. If the intensivist is not in-house, then one of the following shall be available in-house:

i) Board certified~~Board-certified~~ pediatrician certified by ABP or AOBP, or board eligible~~Board-eligible~~ in pediatrics and in the process of board~~Board~~ certification; or

ii) A resident of PGY-2 or greater under the auspices of a Pediatric Training Program, in the unit, with a PGY-3 in-house.

B) All physicians listed in subsection (c)(1)(A) shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.

2) Physician Specialist Availability
If the applying hospital is a Pediatric Trauma Center, the applicable requirements for physician response times that meet Sections 515.2035 and 515.2045 shall be followed.

A) Attending level physician specialists shall be on staff and are required to have the following:

i) Pediatric proficiency as defined by the hospital credentialing process;

ii) Board/sub-board certification in their specialty. If residency trained/board prepared in their specialty, physicians shall achieve certification within seven years after initial acceptance into the board/sub-board certification process, and maintain certification; and

iii) 10 hours per year of pediatric CME (category I or II) in his/her specialty.

B) The following on-call surgeons with pediatric proficiency shall be available in-house within 60 minutes after the determination is made that they are needed:

i) Surgeon; and

ii) Neurosurgeon, or transfer agreement with another facility.

C) On-call attending anesthesiologists with pediatric proficiency shall be available in-house within 60 minutes after the determination is

made that they are needed. CRNAs with pediatric proficiency may initiate appropriate procedures as identified in hospital by-laws.

D) On-staff subspecialists with the following pediatric proficiency shall be available to the institution or by phone for consultation within 60 minutes after the determination is made that they are needed:

i) Cardiologist;

ii) Neonatologist;

iii) Nephrologist;

iv) Neurologist;

v) Orthopedic surgeon;

vi) Otolaryngologist; and

vii) Radiologist.

E) The following physician specialists shall be available in the hospital or by consultation or transfer agreement with another hospital:

i) Allergist or immunologist;

ii) Cardiothoracic surgeon;

iii) Craniofacial (plastic) surgeon;

iv) Endocrinologist;

v) Gastroenterologist;

vi) Hand surgeon;

vii) Hematologist-oncologist;

viii) Infectious disease;

ix) Micro-vascular surgeon;

x) Obstetrics/gynecology;

xi) Ophthalmologist;

xii) Oral surgeon;

xiii) Physiatrist (physical medicine & rehabilitation);

xiv) Psychiatrist/psychologist;

xv) Pulmonologist; and

xvi) Urologist.

d) PICU Nurse Practitioner, Clinical Nurse Specialist, and Physician Assistant Qualifications

1) Nurse practitionerspractitioner shall have credentialing as evidenced by the following:

A) Successfully completeCompletion of a Pediatric Nurse Practitioner program or Pediatric Critical Care Nurse Practitioner Program and certification as an acute care pediatric nurse practitionerAcute Care Pediatric Nurse Practitioner.

B) Hold a currentCurrent Illinois APRNadvanced practice nursing license. For out-of-state facilities withthat have Illinois recognition under the EMS, trauma, or pediatric programprograms, the nurse practitionerprofessional shall have an unencumbered license in the state in which he or she practices.

C) Provide credentialing that reflects orientation, ongoing training, and specific demonstrated competencies in the care of the critically

ill and injured pediatric patient, as defined by the hospital credentialing process.

2) Clinical nurse specialists shall:

A) Successfully complete a clinical nurse specialist program that includes pediatrics.

B) Maintain pediatric clinical nurse specialist certification through a nationally recognized organization (AACN, ANCC or an equivalent national organization).

C) Hold a current Illinois APRN license. For out-of-state facilities with Illinois recognition under the EMS, trauma, or pediatric program, the clinical nurse specialist shall have an unencumbered license in the state in which he or she practices.

D) Provide credentialing that reflects orientation, ongoing training, and specific demonstrated competencies in the care of the critically ill and injured pediatric patient, as defined by the hospital credentialing process.

3~~2~~) PA~~Physician assistant~~ shall~~ have credentialing as evidenced by the following~~:

A) Hold a current~~Current~~ Illinois Physician Assistant License~~licensure~~. For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the professional shall have an unencumbered license in the state in which he or she practices.

B) Provide credentialing~~Credentialing~~ that reflects orientation, ongoing training and specific demonstrated competencies in the care of the critically ill and injured pediatric patient as defined by the hospital credentialing process.

4~~3~~) All full- and part-time nurse practitioners, clinical nurse specialists, and PAs~~physician assistants~~ shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or

ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.

5~~4~~) All full- and part-time nurse practitioners, clinical nurse specialists, and PAs~~physician assistants~~ shall have documentation of a minimum of 50 hours of continuing education in pediatric ~~critical care~~ topics every two years that included a minimum of 25 hours in pediatric critical care, and that are approved by an accrediting agency.

e) PICU Nursing Staff Requirements

1) Nurse manager. The PICU shall have a designated nurse manager who shall:

A) Be licensed as an RN~~a Registered Nurse~~;

B) Have the equivalent of three years full-time~~of~~ clinical critical care experience, with a minimum of one year in clinical pediatric care; and

C) Successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.

2) Pediatric Clinical Nurse Expert.~~Advanced practice nurse Clinical nurse specialist (CNS), nurse practitioner (NP):~~ The PICU shall have a designated pediatric clinical nurse expert~~CNS or pediatric NP~~ who is a member of the unit leadership and who facilitates the development, provision and conduction of clinical education, quality improvement, and policy development aimed at promoting pediatric evidence-based best practices. This nurse~~available to provide clinical leadership in the nursing management of patients. Certified advanced practice nurses~~ shall:

A) Successfully complete:~~Have completed a Pediatric Nurse Practitioner program or Pediatric Clinical Nurse Specialist Program and hold certification as a Pediatric Nurse Practitioner or Pediatric Clinical Nurse Specialist.~~

i) An acute Care or Primary Care Pediatric Nurse Practitioner Program and hold certification as an acute care or primary care pediatric nurse practitioner;

ii) A Pediatric Clinical Nurse Specialist Program and hold certification as a pediatric clinical nurse specialist; or

iii) A masters or doctorate and hold certification as a certified pediatric nurse (CPN), certified critical care registered nurse in pediatrics (CCRN-P), or certified critical care registered nurse in pediatrics – knowledge professional (CCRN-K).

B) Hold a current Illinois RN license~~Have an Illinois Advanced Practice Nurse License~~. For out-of-state facilities with~~that have~~ Illinois recognition under the EMS, trauma, or pediatric program, the RN~~professional~~ shall have an unencumbered license in the state in which he or she practices;

C) Successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation; and

D) Provide~~Have~~ documentation of a minimum of 50 hours of continuing education in pediatric ~~critical care~~ topics every two years that include a minimum of 25 hours in pediatric critical care and that are approved by an accrediting agency.

3) Nursing Patient Care Services~~patient care services~~
All RNs~~nurses~~ engaged in direct patient care activities shall:

A) Successfully complete a documented hospital and unit orientation according to hospital guidelines before assuming full responsibility for patient care;

B) Complete a yearly competency review of high-risk, low-frequency therapies;

C) Successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS, the ACEP-AAP APLS or the ENA ENPC. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation; and

D) Complete a minimum of 16 hours of pediatric emergency/critical care continuing education hours every two years. Continuing education may include, but is not limited to, CEU offerings, case presentations, competency testing, teaching courses related to pediatrics or publications.

f) PICU Policies, Procedures, and Treatment Protocols
The PICU will include, but not be limited to, having the following age-specific policies/protocols in place:

1) Admission and discharge criteria;

2) A staffing policy that addresses nursing shift staffing patterns based on patient acuity;

3) A policy for managing the psychiatric needs of the PICU patient; and

4) Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses.

g) Inter-facility Transfer/Transport Requirements
A PCCC shall:

1) Provide necessary consultation to those hospitals with which a transfer agreement is established; accept pediatric transfers from those hospitals; provide feedback as well as quality review to those hospitals on the transfer and management process;

2) Have or be affiliated with a transport system and team to assist referral hospitals in arranging safe pediatric patient transport; and

3) Have a transfer/transport policy that addresses the special needs of the pediatric population during transport.

h) Quality Improvement Requirements

1) Each PCCC shall have members from the PICU, including the Medical Director, and from the Pediatric Department who serve on the Multidisciplinary Pediatric Quality Improvement Committee, which will include, but not be limited to: emergency department, pediatric department, respiratory, laboratory, social service and radiology staff.

2) The Multidisciplinary Pediatric Quality Improvement Committee shall perform focused outcome analyses of its PICU and other pediatric inpatient unit services on a quarterly basis that consist of a review of at least the following:

A) All pediatric deaths;

B) All pediatric inter-facility transfers;

C) All pediatric morbidities or negative outcomes that are a result of treatment rendered or omitted;

D) Pediatric quality metrics that examine the process of care and identify potential patient care and internal resource problems;

E) Child abuse and neglect cases unless review is performed by another committee in the hospital;

F) All re-admissions within 48 hours after discharge from the emergency department or inpatient care that result in admission to the PICU; and

G) Review of all potential and unanticipated adverse outcomes.

i) PICU Equipment (See Appendix O)
The PCCC shall meet all equipment requirements as outlined in Appendix O. In addition, a specialized pediatric resuscitation cart with measuring device shall be readily available on each pediatric unit, containing the required equipment.

j) Pediatric Inpatient Care Service Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Physician Requirements~~requirements~~

A) The Chair of Pediatrics or the Pediatric Inpatient Director shall have certification in pediatrics by the ABP or the AOBP.

B) All hospitalists, credentialed by their hospital to provide pediatric unit care, shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or the ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.

C) The Medical Director of the PICU, or his/her designee, shall be available on call and for consultation for all pediatric in-house patients who may require critical care.

2) Nurse Manager Requirements~~manager requirements~~
The nurse manager shall:

A) Be licensed as an RN~~Illinois Registered Nurse~~. For out-of-state facilities that have Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the RN~~professional~~ shall have an unencumbered license in the state in which he or she practices;~~.~~

B) Have the equivalent of three years full-time~~of~~ pediatric experience; and

C) Complete and maintain current recognition in one of the following courses: AHA-AAP PALS, the ACEP-AAP APLS or the ENA ENPC. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.

3) Nursing Patient Care Services~~patient care services~~
All nurses engaged in direct patient care activities shall:

A) Be licensed as an RN~~Illinois Registered Nurse~~. For out-of-state facilities with~~that have~~ Illinois recognition under the EMS, trauma, or pediatric program~~programs~~, the RN~~professional~~ shall have an unencumbered license in the state in which he or she practices;~~.~~

B) Complete a documented hospital and unit orientation according to hospital guidelines before assuming full responsibility for patient care;

C) Complete a yearly competency review of high-risk, low-frequency therapies based on patient population;

D) Complete and maintain current recognition in one of the following courses: AHA-AAP PALS, the ACEP-AAP APLS or the ENA ENPC. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation; and

E) Complete a minimum of 16 hours of pediatric continuing education hours every two years~~within a two-year period~~. Continuing education may include, but is not limited to, CEU offerings, case presentations, competency testing, teaching courses related to pediatrics, ~~and/~~or publications.

k) Hospital General Pediatric Department Policies, Procedures and Treatment Protocols. The pediatric department shall have, but not be limited to:

1) A policy or scope of services that outlines the pediatric department services, ages of patients served, and admission guidelines;

2) A staffing policy that addresses nursing shift staffing patterns based on patient acuity;

3) A safety and security policy for the patient in the unit;

4) An inter-facility transport policy that addresses safety and acuity;

5) An intra-facility transport policy that addresses safety and acuity;

6) A latex allergy policy;

7) A pediatric organ procurement/donation policy;

8) An isolation precautions policy that incorporates appropriate infection control measures;

9) A disaster~~/terrorism~~ policy that addresses the specific medical and psychosocial needs of the pediatric population;

10) Protocols, order sets, pathways or guidelines for management of high-risk and low-frequency diagnoses;

11) A pediatric policy that addresses the resources available to meet the psychosocial needs of patients and family and appropriate social work referral for the following indicators:

A) Child death;

B) Child has been a victim of or witness to violence;

C) Family needs assistance in obtaining resources to take the child home;

D) Family needs a payment resource for their child's health needs;

E) Family needs to be linked back to their primary health, social service or educational system;

F) Family needs support services to adjust to their child's health condition or the increased demands related to changes in their child's health conditions; and

G) Family needs additional education related to the child's care needs to care for the child at home.

12) A discharge planning policy or protocol that includes the following:

A) Documentation of appropriate primary care/specialty follow-up provisions;

B) Mechanism to access a primary care resource for children who do not have a provider;

C) Discharge summary provision to appropriate medical care provider, parent/guardian, which includes the following:

i) Information on the child's hospital course;

ii) Discharge instructions and education; and

iii) Follow-up arrangements;

D) Appropriate referral of patients to rehabilitation or specialty services for children who may have any of the following problems:

i) Require the assistance of medical technology;

ii) Do not exhibit age-appropriate activity in cognitive, communication or motor skills, behavioral, or social/emotional realms;

iii) Additional medical or rehabilitation needs that may require specialized care, such as medication, hospice care, physical therapy, home health, or speech/language services;

iv) Brain injury – mild, moderate or severe;

v) Spinal cord injury;

vi) Seizure behavior exhibited during acute care or a history of seizure disorder and is not currently linked with specialty follow up;

vii) Submersion injury, such as a near drowning;

viii) Burn (other than a superficial burn);

ix) Pre-existing condition that experiences a change in health or functional status;

x) Neurological, musculoskeletal or developmental disability; or

xi) Sudden onset of behavioral change, for example, in cognition, language or affect.

l) Quality Improvement Requirements
Representatives from the pediatric unit shall participate in the multidisciplinary Pediatric Quality Improvement Committee (see subsection (h)).

m) Equipment Requirements (See Appendix O.)
The PCCC shall meet all equipment requirements as outlined in Appendix O. In addition, a specialized pediatric resuscitation cart with measuring device shall be readily available on each pediatric unit, containing the required equipment.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 515.APPENDIX K Application for Facility Recognition for Emergency Department with Pediatrics Capabilities

FACILITY RECOGNITION
Emergency Department with Pediatric Capabilities

Application Instructions

Follow these instructions to initiate the process to obtain recognition as an Emergency Department Approved for Pediatrics (EDAP) or Standby Emergency Department for Pediatrics (SEDP):

1) Complete the application form and obtain the appropriate signatures.

2) Using the Emergency Department Pediatric Plan Guideline and the EDAP or SEDP requirements, complete an Emergency Department Pediatric Plan. Attach all requested supporting documentation (credentialing forms, schedules, policies, procedures, protocols, guidelines, plans, etc.).

3) Submit the original signed application form plus three additional copies of the signed application form and four copies of the Emergency Department Pediatric Plan (including supporting documentation) to:

Chief, Division of EMS & Highway Safety
Illinois Department of Public Health
422 S. 5th Street
Springfield IL 62701

4) The Emergency Department Pediatric Plan shall follow the format outlined in the Emergency Department Pediatric Plan Guideline in this Appendix K and include all required documentation. The plan shall also address how each of the EDAP/SEDP requirements is currently being or will be met. The Pediatric Plan shall be developed through interaction and collaboration with all other appropriate disciplines.

5) Any submitted requests for equipment waivers shall include the criteria by which compliance is considered to be a hardship and demonstrate that there will be no reduction in the provision of medical care.

6) The application should be submitted in a single-sided format and unstapled.

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7) Appendix M provides additional resource information related to pediatric inter-facility transfer and consultation and can be used in the development of the Emergency Department Pediatrics Plan.

8) For questions regarding the application process, specific requirements, or supporting documentation, please contact the Division of EMS & Highway Safety at 217-785-2080.

RECOGNITION OF EMERGENCY DEPARTMENT
PEDIATRIC CAPABILITIES
APPLICATION FORM

1) Name and address of hospital (typed)

_____

_____

_____

2) Specify the recognition level for which your hospital is applying:

a) Emergency Department Approved for Pediatrics (EDAP) _____

b) Standby Emergency Department Approved for Pediatrics (SEDP) _____

3) The above-named hospital certifies that each requirement in this Request for Recognition is met and will be in operation by the date of recognition.

_____
Typed name – CEO/Administrator

_____
Signature – CEO/Administrator Date

_____
Typed name – Medical Director of Emergency Services

_____
Signature – Medical Director of Emergency Services Date

_____

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Contact person – Typed name, credentials and title

Contact person – Phone number, fax number and email

EMERGENCY DEPARTMENT PEDIATRIC PLAN
GUIDELINE

Emergency Department Pediatric Plan (Please follow this guideline carefully. It provides information on the components that must be included in the submitted plan. Please include any applicable supplemental documentation.)

A. Emergency Department Organizational Structure

1. Provide a hospital Organizational Table identifying the administrative relationships among all departments in the hospital, especially as they relate to the emergency department. The table must include, but is not limited to, the following:

a. Board of Directors

b. Chief Executive Officers

c. Emergency Department

d. Department of Pediatrics

e. Trauma Service (if applicable)

f. Department of Radiology

2. In addition, provide a separate Emergency Department Organizational Structure table showing the organization structure of the emergency department, including the relationship of the physician, nursing and ancillary services. Include the reporting structure for the ED Medical Director (to whom he/she reports).

~~a. Emergency Department Organizational Structure (Table)~~

B. Emergency Department Services

1. Description of the emergency department services

- Provide a scope of services or policy outlining emergency department services, emergency department level, a description of the population served, types of pediatric patients seen, and annual emergency department visits that involve the pediatric patient.
- Identify the age range that the hospital uses to define the pediatric patient, i.e., 0-15.
- Provide information on participation/status in EMS system and trauma system as appropriate.

2. Description of the emergency department patient flow

- Provide a narrative description or algorithm of patient path/flow from point of entry through disposition.
- Provide any policies/guidelines that identify triaging/urgency categorization of patients.
- Identify whether pediatric patients are seen in the general emergency department or in a separate area/bed space allocated for the pediatric patient.
- If an emergency department fast-track area exists, provide triage criteria for this area and information on physician and nursing staffing/qualifications for assignment to the fast-track area.

3. Description of emergency medical services communication with identification of dedicated phone line, radio, and telemetry capabilities

- Provide a policy or narrative description of the emergency services dedicated phone/telemetry radio communication capabilities.
- Provide a policy outlining staffing qualifications to access and use such equipment.

4. Description of social service availability and capabilities

- Provide a scope of services or policy that defines the services, capabilities

and availability of social service department/personnel to the emergency department.

- Describe typical mechanism and response by social worker to emergency department requests (i.e., handle over the phone, respond directly to the emergency department, follow-up consult/appointment made).

C. Pediatric Department Services

1. Description of the pediatric department services

- Identify whether there is a dedicated pediatric inpatient unit, dedicated pediatric inpatient beds and pediatric intensive care unit.
- Provide a scope of services/policy outlining pediatric department services.

2. Description of the pediatric staffing and availability

- Provide policy or scope of services outlining pediatric unit shift nursing staffing patterns based on patient acuity and any pediatric continuing education requirements/competencies verification.
- If pediatric patients are admitted for care to an adult inpatient unit, provide documentation that identifies unit pediatrician staffing/coverage for such patients and how RNs ~~nurses~~ are assigned to the inpatient pediatric patient, i.e., only RNs ~~nurses~~ who have completed the PALS course.

3. Documented description~~Description/documentation~~ of pediatric inpatient capabilities with identification of PICU and/or pediatric general floor bed availability and unit resources

- Provide policy or scope of services that identifies what types of pediatric patients are typically admitted, i.e., types of conditions/diagnoses. Are there guidelines in place that define pediatric patients specifically by age parameters ~~and/~~or diagnoses?
- If a PICU is present, then a description of services, unit resources, and capabilities is needed. If a PICU is not present, then a description of where patients requiring such care are transferred, established relationships with pediatric tertiary care center, etc., is needed.

D. Professional Staff

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1. Emergency Department Director

   a. Copy of curriculum vitae

      - Provide a printed curriculum vitae.
      - Identify any board certification as outlined in the Facility Recognition Criteria (Sections 515.4000 and 515.4010).

   b. Document Board Certification, as identified in the Facility Recognition Criteria, on the Emergency Department Credentialing Form.

2. Emergency Department Physicians
   Documentation of the ability to meet recognition requirements in Section 515.4000 or Section 515.4010.

   Hospital Recognition Requirement – Section 515.4000(a)(1) or 515.4010(a)(1)

   - Provide a policy or description of emergency department physician staffing, coverage and availability (including fast track/urgent care area).
   - Provide a completed Department approved credentialing form for emergency department physician staff and a credentialing form for fast track/urgent care physicians.
   - Provide a one-month staffing schedule/calendar, including fast track/urgent care area (schedule should be from within the three month time period previous to the application submission).
   - Provide documentation of a plan to maintain PALS or APLS recognition.
   - Provide a policy that incorporates Section 515.4000(a)(1) or 515.4010(a)(1).

   Hospital Recognition Requirement – Section 515.4000(a)(2) or 515.4010(a)(2)

   - Provide a copy of the emergency department physician continuing education policy.
   - Provide a description of how physician continuing education is currently tracked.
   - Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours (these hours can be integrated into the overall CME tracking process).
   - Provide a policy that incorporates Section 515.4000(a)(2) or

515.4010(a)(2).

Hospital Recognition Requirement – Section 515.4000(a)(3) or 515.4010(a)(3)

- Provide a staffing policy that incorporates Section 515.4000(a)(3) or 515.4010(a)(3).

Hospital Recognition Requirement – Section 515.4000(a)(4) or 515.4010(a)(4)

- Provide a one-month on-call schedule that identifies availability of a board certified/prepared pediatrician or pediatric emergency medicine physician for telephone consultation (schedule should be from within the three month time period previous to the application submission).

Hospital Recognition Requirement – Section 515.4000(a)(5) or 515.4010(a)(5)

- Provide a copy of a policy that identifies physician back-up availability to assist with critical situations, increased surge capacity or disasters.

Hospital Recognition Requirement – Section 515.4000(a)(6) or 515.4010(a)(6)

- Provide a protocol/policy/bylaws that identifies maximum response time for all specialty on-call physicians.

3. Emergency department nurse practitioner, clinical nurse specialist, and PA~~physician assistant~~
Note – Complete this section only if nurse practitioners, clinical nurse specialists, ~~and/~~or PAs~~physician assistants~~ practice in the emergency department and participate in the care of pediatric patients.

Provide documentation of the ability to meet hospital recognition requirements in Section 515.4000(b) or 515.4010(b).

Requirement – Section 515.4000(b)(1) or 515.4010(b)(1)

- Provide a policy of emergency department nurse practitioner, clinical nurse specialist, and~~/or~~ PA~~physician assistant~~ staffing, coverage, availability, responsibilities and credentialing process.
- Provide a completed Department approved credentialing form for all

emergency department~~, and a credentialing form for~~ fast track nurse practitioner, clinical nurse specialist, and PA~~physician assistant~~ staff.

- Provide a copy of a one-month staffing schedule/calendar (schedule should be from within the three month time period previous to the application submission).
- Provide documentation of a plan to maintain PALS, APLS or ENPC recognition.
- Provide a policy that incorporates Section 515.4000(b)(1) or 515.4010(b)(1).

Requirement – Section 515.4000(b)(2) or 515.4010(b)(2)

- Provide a copy of the emergency department and fast track nurse practitioner, clinical nurse specialist, and PA~~physician assistant~~ continuing education policy.
- Provide a description of how nurse practitioner, clinical nurse specialist, and PA~~physician assistant~~ continuing education is currently tracked.
- Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours (these hours can be integrated into overall continuing education tracking process).
- Provide a policy that incorporates Section 515.4000(b)(2) or 515.4010(b)(2).

4. Emergency Department Registered Nurses
Provide documentation of the ability to meet hospital recognition requirements in Section 515.4000(c) or 515.4010(c).

Requirement – Section 515.4000(c)(1) or 515.4010(c)(1)

- Provide a policy/documentation outlining current nursing shift staffing plan/patterns.
- Provide a Department approved credentialing form for all emergency department nursing staff.
- Provide a copy of a one-month nursing staffing schedule/calendar (schedule should be from within the three month time period previous to the application submission).
- Provide documentation of a plan to maintain PALS, APLS or ENPC recognition.
- Provide a policy that incorporates Section 515.4000(c)(1) or

515.4010(c)(1).

Requirement – Section 515.4000(c)(2) or 515.4010(c)(2)

- Provide a policy identifying continuing education requirements and competency testing for emergency department nursing staff.
- Provide a description of how continuing education is currently tracked.
- Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours.
- Provide a policy that incorporates Section 515.4000(c)(2) or 515.4010(c)(2).

E. Policies and Procedures

1. Policy/procedure for inter-facility transfer as identified in Section 515.4000(d)(1) or 515.4010(d)(1).

   - Provide a written transfer agreement with a Pediatric Critical Care Center and identification of facilities to which the hospital typically transfers pediatric patients. The transfer agreements shall include a provision that addresses communication and quality improvement measures between the referral and receiving hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.
   - Provide a transfer policy that incorporates the physiologic/other criteria identified in Appendix M: EMSC Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline.

2. Policy/procedure for suspected child abuse and neglect as identified in Section 515.4000(d)(2) or 515.4010(d)(2).

   - Provide a policy that includes age-specific identification, assessment, evaluation and management measures for the suspected child abuse and neglect patient.

3. Pediatric treatment~~Treatment~~ guidelines as identified in Section 515.4000(d)(3) or 515.4010(d)(3).

   - Provide copies of pediatric specific treatment guidelines as described.
   - The hospital shall have emergency department pediatric specific treatment

guidelines, order sets or policies and procedures addressing initial assessment and management for its high-volume and high-risk pediatric population (i.e., fever, trauma, respiratory distress, seizures).

4. Policy for latex allergy as identified in Section 515.4000(d)(4) or 515.4010(d)(4).

- Provide a policy that addresses assessment of latex allergies and the availability of latex-free equipment and supplies.

F. Quality Improvement

1. Describe and document the ongoing emergency department program for conducting outcome analysis or quality improvement and how pediatrics is integrated into the process.

- Provide a policy/guideline that outlines the emergency department quality improvement program, i.e., describe the quality improvement process, required clinical indicators, "loop closure" and target time frames for closure of issues.
- Provide documentation outlining current and planned pediatric monitoring activities.

2. Document the ability to meet facility recognition requirements in Section 515.4000(e) or 515.4010(e).

Requirement – Section 515.4000(e)(1) or 515.4010(e)(1)

- Define the composition of the multidisciplinary QI committee (recommend broadening composition of committee beyond physician/nursing to include other essential disciplines such as pediatric, social services, respiratory therapy), frequency of committee meetings and reporting structure.
- Provide a copy of the emergency department quality improvement plan, including QI policy, pediatric indicators, feedback loop and target time frames for closure of issues. If implementation of pediatric monitoring activities is pending, define implementation plan and time frame.

Requirement – Section 515.4000(e)(2) or 515.4010(e)(2)

- Provide a curriculum vitae for the physician who will assume the pediatric physician champion role.
- Provide the name and title of the individual who will assume the pediatric quality coordinator role.
- Provide a job description that addresses allocation of time and resources to the role and includes each of the requirements outlined in Section 515.4000(e)(2) or 515.4010(e)(2) that will be carried out by the pediatric quality coordinator.

G. Equipment

Using the equipment list provided in Appendix L, place an "X" next to each equipment item that is currently available (as appropriate for the level applied for). If equipment/supply items are not available, a plan for securing the items shall be identified, i.e., submission of a purchase order to assure that the item is on order, or equipment waiver shall be submitted for each item.

Requests for equipment waivers shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

Site Survey Procedure

1) Within four to six weeks following receipt of the Application Form and supporting documents (schedules, policies, procedures, protocols, guidelines, etc.), the hospital will be informed as to the status of the application. If all documentation is in order, a site visit will be scheduled.

2) The site visit will include a survey of the emergency department and pediatric unit (including intensive care, if applicable), and a meeting with the following individuals:

   a) The hospital's chief administrative/executive officer or designee

   b) The chief nursing executive/director of nursing or designee

   c) The chief of pediatrics or, if the hospital does not have a pediatric department, the designated pediatric consultant

   d) The nursing director or nursing manager of the pediatric unit, if applicable

e) The emergency department medical director or pediatric emergency department medical director

f) The emergency department nursing director or nursing manager

g) The administrator of emergency services

h) The administrator of pediatric services, if applicable

i) The pediatric quality coordinator

j) The hospital quality improvement director or designee

k) The hospital emergency management/disaster preparedness coordinator

l) Nurse practitioner, clinical nurse specialist, or PA~~physician assistant~~, for those hospitals that use these clinicians~~practitioners~~ in their emergency department

m) For EMS Resource or Associate Hospitals only: the EMS Medical Director and EMS Coordinator

3) In preparation for the site visit, hospital personnel shall prepare evidence to verify adherence to the hospital recognition requirements.

Site Survey Team
The EMSC program within the Division~~Chief~~ of EMS & Highway Safety~~, in coordination with the Illinois EMSC Advisory Board,~~ will appoint the survey team. Site survey teams will be composed of a physician/nurse (or two nurse~~nurse/nurse~~) team along with a representative from the Illinois Department of Public Health. All team members shall have attended formal training in the responsibilities, expectations, process and assessment of facility recognition.

Following the Site Survey

1) Within four to six weeks following the site visit, the Department will provide the hospital with the results of the survey. Those hospitals meeting all requirements will receive a formal "recognition" for their emergency department pediatric capabilities.

2) Hospitals may appeal the results of the survey by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.

3) Re-recognition shall occur every four years, with site visits scheduled as necessary.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

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Section 515.APPENDIX L Pediatric Equipment Requirements~~Recommendations~~ for Emergency Departments

The following list identifies pediatric equipment items that are required~~recommended~~ for the two emergency department facility recognition levels. Equipment items are classified as "essential" (E) and "need to be stocked in the emergency department" (ED).

	EDAP	SEDP
Monitoring Devices		
Blood glucose measurement device (i.e., chemistry strip or glucometer)	E (ED)	E (ED)
Continuous end-tidal PCO_2 monitor and pediatric CO_2 colorimetric detector (disposable units may be substituted)	E (ED)	E (ED)
Doppler ultrasound blood pressure device (neonatal-adult thigh cuffs)	E (ED)	E (ED)
ECG monitor-defibrillator/cardioverter with pediatric and adult sized paddles, or pads, with pediatric dosage settings and pediatric and -adult pacing electrodes	E (ED)	E (ED)
Hypothermia thermometer (Note: with a range of 28-42°C)	E (ED)	E (ED)
Pediatric monitor electrodes	E (ED)	E (ED)
Otoscope/ophthalmoscope/stethoscope	E (ED)	E (ED)
Pulse oximeter with pediatric and adult probes	E (ED)	E (ED)
Sphygmomanometer with cuffs (neonatal-adult thigh)	E (ED)	E (ED)
Vascular Access Supplies and Equipment		
Arm boards (sized infant through adult)	E (ED)	E (ED)
Blood gas kits	E (ED)	E (ED)

Butterfly-type needles (19-25 g)*	E (ED)	E (ED)
Catheter-over-needle devices (16-24 g)*	E (ED)	E (ED)
Central venous catheters (stock one small and one large size)	E (ED)	E (ED)
Infusion pumps, syringe pumps, or devices with microinfusion capability using appropriate tubing & connectors	E (ED)	E (ED)
Intraosseous needles or bone marrow needles (13-18 g size range; stock one large/one small bore) or IO device (pediatric and adult sizes)	E (ED)	E (ED)
IV extension tubing, stopcocks, and T-connectors	E (ED)	E (ED)
IV fluid/blood warmer	E (ED)	E (ED)
IV solutions: standard crystalloid ~~and colloid~~ solutions (D10W, D5/.2 NS, D5/.45 NS, D5/.9 NS and 0.9 NS)	E (ED)	E (ED)
Syringes (1 mL~~1ml~~ through 20 mL~~ml~~)	E (ED)	E (ED)
Tourniquets	E (ED)	E (ED)
Umbilical vein catheters (3.5 and 5 Fr; the same size feeding tube may be used for 5 Fr)*	E (ED)	E (ED)
Respiratory Equipment and Supplies		
Bag-valve-mask device, self-inflating infant/child and adult (1000 ml) with O_2 reservoir and clear masks (neonatal through large adult sizes)*; PEEP valve	E (ED)	E (ED)
Manometer	E (ED)	E (ED)
Bulb syringe	E (ED)	E (ED)
Endotracheal tubes:*		
Cuffed or Uncuffed (sizes 2.5, 3.0, 3.5, 4.0, 4.5, 5.0, 5.5, 6.0,	E (ED)	E (ED)

6.5, 7.0, 7.5 and 8.0)		
Stylets for endotracheal tubes (pediatric and adult)	E (ED)	E (ED)
Laryngoscope handle (pediatric and adult)	E (ED)	E (ED)
Laryngoscope blades (curved 2, 3; straight or Miller 0, 1, 2, 3)*	E (ED)	E (ED)
Magill forceps (pediatric and adult)	E (ED)	E (ED)
Meconium aspirator	E (ED)	E (ED)
Nasopharyngeal airways (sizes 14, 16, 20, 24, 28, 30 Fr)*	E (ED)	E (ED)
Nebulized medication, administration set with pediatric and adult masks	E (ED)	E (ED)
Oral airways (sizes 0, 1, 2, 3, 4, 5 or size 50 mm, 60 mm, 70 mm, 80 mm, 90 mm, 100 mm)*	E (ED)	E (ED)
Oxygen delivery device with flow meter and tubing	E (ED)	E (ED)
Oxygen delivery adjuncts:		
Tracheostomy collar	E (ED)	E (ED)
Standard masks, clear (pediatric and adult sizes)	E (ED)	E (ED)
Partial-non-rebreather or non-rebreather masks, clear (pediatric and adult sizes)	E (ED)	E (ED)
Nasal cannula (infant, pediatric and adult)	E (ED)	E (ED)
Peak flow meter	E (ED)	E (ED)
Supplies/kit for patients with difficult air way conditions (must have one of the following):	E (ED)	E (ED)

- Supraglottic airway devices~~LMA~~ (sizes 1, 1.5, 2, 2.5, 3, 4 and 5; or sizes appropriate for a neonate through adult); ~~or~~
- Cricothyrotomy kit (pediatric size); or
- Cricothyrotomy capabilities (i.e., 10 g needle and 3.5 mm

ET tube adapter or 14 g needle and ~~3.5~~ 3.0 mm ET tube adapter)		
Suction capability (wall)	E (ED)	E (ED)
Suction capability (portable)	E (ED)	E (ED)
Suction catheters (sizes 5/6, 8, 10, 12, 14, 16, 18 Fr and Yankauer-tip catheter)*	E (ED)	E (ED)
Tracheostomy tubes (sizes PED* 3.0, 3.5, 4.0, 4.5, 5.0, 5.5)* (correspond to PT 00, 0, 1, 2, 3, 4, in old schematization)	E (ED)	---
Tube thoracostomy tray and water seal drainage capacity with chest tubes (sizes 12-32 Fr)*	E (ED)	---
Medications (unit dose, prepackaged)		
Access to the Illinois Poison Center 1-800-222-1222 through posting of phone number in ED	E (ED)	E (ED)
Activated charcoal (consider with and without Sorbitol)	E (ED)	E (ED)
Adenosine	E (ED)	E (ED)
Amiodarone	E (ED)	E (ED)
Antiemetics	E (ED)	E (ED)
Antimicrobial agents (parenteral and oral)	E (ED)	E (ED)
Antipyretics	E (ED)	E (ED)
Atropine	E (ED)	E (ED)
Barbiturates, e.g., Phenobarbital, Pentobarbital	E (ED)	E (ED)
Benzodiazepines, e.g., Lorazepam, Midazolam, Diazepam	E (ED)	E (ED)

Beta agonist for inhalation (Albuterol, Levalbuterol)	E (ED)	E (ED)
Beta blockers, e.g., Propranolol, Metoprolol	E (ED)	E (ED)
Calcium (chloride or gluconate)	E (ED)	E (ED)
Corticosteroids, e.g., Dexamethasone, Hydrocortisone, Methylprednisolone	E (ED)	E (ED)
Dextrose (25% and 50%)	E (ED)	E (ED)
Diphenhydramine	E (ED)	E (ED)
Dobutamine	E (ED)	---
Dopamine	E (ED)	---
Epinephrine (1 mg/mL and 0.1mg/mL~~1:1,000 and 1:10,000~~)	E (ED)	E (ED)
Epinephrine (Racemic)	E (ED)	E (ED)
Fosphenytoin ~~and/~~or Phenytoin	E (ED)	E (ED)
Furosemide	E (ED)	E (ED)
Glucagon or Glucose Paste	E (ED)	E (ED)
Insulin, regular	E (ED)	E (ED)
Lidocaine 1%	E (ED)	E (ED)
Magnesium Sulfate	E (ED)	E (ED)
Mannitol	E (ED)	E (ED)
Narcotics	E (ED)	E (ED)
Neuromuscular blocking agents (i.e., succinylcholine, rocuronium, vecuronium)	E (ED)	E (ED)

Ocular anesthetics	E (ED)	E (ED)
Poison Specific Antidotes		
Acetylcysteine	E (ED)	E (ED)
Cyanide antidote (Sodium Thiosulfate with or without Sodium Nitrite therapy; or Hydroxocobalamin single agent therapy)	E (ED)	E (ED)
Flumazenil	E (ED)	E (ED)
Naloxone	E (ED)	E (ED)
Sodium bicarbonate – 8.4% and 4.2%	E (ED)	E (ED)
Sedative/Hypnotic (e.g., Ketamine, Etomidate)	E (ED)	E (ED)
Tetanus Immune Globulin (Human)	E (ED)	E (ED)
Tetanus Vaccines (single or in combination with other vaccines)	E (ED)	E (ED)
Topical Anesthetics	E (ED)	E (ED)
Miscellaneous Equipment		
Dosing device – length or weight based system for dosing and equipment	E (ED)	E (ED)
Dosing/equipment chart by weight	E (ED)	E (ED)
EMS communication equipment (i.e., telemetry, MERCI, cellular or dedicated phone)	E (ED)	E (ED)
Examination gloves, disposable	E (ED)	E (ED)
Fluorescein (eye strips)	E (ED)	E (ED)
Infant formulas, dextrose in water with various nipple sizes	E (ED)	E (ED)
Lubricant, water soluble	E (ED)	E (ED)
Nasogastric tubes 8 through-18 Fr* (may substitute feeding tubes	E (ED)	E (ED)

5F and 8F)		
Oral rehydrating solution	E (ED)	E (ED)
Pain scale assessment tools appropriate for age	E (ED)	E (ED)
Pediatric emergency/crash cart or bag with defined list of contents attached to bag/cart	E (ED)	E (ED)
Restraining device/methods~~, pediatric~~ (e.g., papoose, distraction devices, comfort hold, swaddling)	E (ED)	E (ED)
Resuscitation board	E (ED)	E (ED)
Urinary catheters (8-22 Fr)*	E (ED)	E (ED)
Warming devices, age appropriate	E (ED)	E (ED)
Weighing scales (in kilograms only) for infants~~infant~~ and children	E (ED)	E (ED)
Woods lamp (blue light)	E (ED)	E (ED)
Specialized Pediatric Trays		
~~Initial newborn resuscitation equipment (can include warming device, feeding tubes, neonatal mask)~~	~~E (ED)~~	~~E (ED)~~
Lumbar puncture tray, including a selection of needle sizes (size 18-22 g, 1½-3 inch needle)	E (ED)	E (ED)
Minor surgical instruments and sutures	E (ED)	E (ED)
Newborn kit/OB kit (including umbilical clamp, bulb syringe, towel). Maintain newborn resuscitation equipment/supplies together for easy access (as outlined in this equipment list: warming device, feeding tubes, neonatal mask, meconium aspirator).	E (ED)	E (ED)

Fracture Management Devices

Extremity splints	E (ED)	E (ED)
Femur splint (child and adult)	E (ED)	E (ED)
Semi-rigid neck collars (child through adult) or cervical immobilization equipment suitable for children	E (ED)	E (ED)
Spinal immobilization board ~~(child and adult)~~	E (ED)	E (ED)

* Shall minimally stock a range of each commonly available size noted or comparable sizes.

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

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Section 515.APPENDIX N Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application

Application Instructions

Follow these instructions to initiate the process to request recognition as a Pediatric Critical Care Center (PCCC) and Emergency Department Approved for Pediatrics (EDAP). The Pediatric Plan shall be developed through interaction and collaboration with all appropriate disciplines:

1. Complete the Request for Recognition of Pediatric Critical Care Center and Emergency Department Approved for Pediatrics Status Application Form and obtain the appropriate signatures.

2. Using the Pediatric Critical Care Center Plan Application Guideline and the PCCC/EDAP requirements, complete a PCCC and EDAP Pediatric Plan. The Pediatric Plan should follow the Pediatric Critical Care Center Plan Application Guideline checklist format provided in this application and include all requested supporting documentation, including, but not limited to, scope of services/care, credentialing forms, policies (both administrative and department specific), procedures, protocols, guidelines, flow charts, rosters, calendars, schedules, etc.

3. Complete and obtain signatures on the Department-approved physician, nurse practitioner, clinical nurse specialist, ~~and~~ physician assistant, and nursing credentialing forms.

4. Complete the EDAP, PICU and Pediatric Unit Equipment Checklists.

5. Submit four copies of the hospital's Pediatric Plan (an original signed copy plus three additional copies) that each contain the following:

    a. Signed Request for Recognition of Pediatric Critical Care Center and Emergency Department Approved for Pediatrics Status Application Form;

    b. Completed PCCC Plan and EDAP Plan (including supporting documentation);

    c. Completed physician, nurse practitioner, clinical nurse specialist, ~~and~~ physician assistant, and nursing credentialing forms;

    d. Completed EDAP, PICU and Pediatric Inpatient Unit Equipment Checklists.

6. Submit these documents (including all supporting documentation) in the order listed in this application to: Division of EMS & Highway Safety, Illinois Department of Public Health, 422 S. 5th Street, Springfield IL 62701.

7. The Pediatric Plan shall be submitted in a single-sided format and unstapled.

8. Any submitted requests to waive any of the EDAP or PCCC equipment requirements shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

Site Survey Procedure

1. Within four to six weeks following the Department's receipt of the PCCC Pediatric Plan and supporting documents, the hospital will be informed as to the status of the application. If all documentation is in order, a site visit will be scheduled.

2. In preparation for the site visit, hospital personnel shall prepare evidence to verify adherence to the facility recognition requirements.

3. The site visit will include a survey of the Emergency Department, Pediatric Intensive Care Unit, Pediatric Units and a meeting with the following individuals:

   a. chief administrative/executive officer or designee

   b. chief of pediatrics

   c. medical director of the pediatric intensive care services

   d. medical directors of the pediatric units

   e. medical director of pediatric ambulatory care

   f. nursing director or nurse manager of the pediatric intensive care services

   g. nursing director or nurse manager of the pediatric units

   h. administrator of pediatric services

i. administrator of emergency services

j. pediatric quality coordinator

k. hospital quality improvement department director or designee

l. emergency department medical director and the pediatric emergency department medical director

m. emergency department nurse manager and the pediatric emergency department nurse manager

n. hospital emergency management/disaster preparedness coordinator

o. transport team medical director

p. transport team nurse coordinator

q. Clinical nurse specialist, nurse practitioner or physician assistant for those facilities that use these cliniciansprac~~titioners~~

r. For EMS Resource or Associate Hospitals: The EMS MD and EMS coordinator

Site Survey Team

The EMSC program within the~~Director or the Chief,~~ Division of EMS & Highway Safety~~, in coordination with the Illinois EMSC Advisory Board,~~ will appoint the site survey team. Site survey teams will be composed of a physician/nurse team along with a representative from the Illinois Department of Public Health. All team members will attend formal training in the site survey responsibilities, expectations and process.

Following the Site Survey

1. Within four to six weeks following the site visit, the hospital shall receive the results of the survey from the Department. Those hospitals meeting all requirements will receive a formal recognition of their Pediatric Critical Care capabilities.

2. Hospitals that do not meet the requirements will receive a letter from the Illinois Department of Public Health outlining the areas of non-compliance. The Department

shall deny a request for recognition if findings show failure to substantially comply with the EDAP and~~/or~~ PCCC requirements. Hospitals may appeal the denial by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.

3. Re-recognition shall occur every three years, with site visits scheduled as necessary.

ILLINOIS EMSC
FACILITY RECOGNITION

Request for Recognition of Pediatric Critical Care Center (PCCC) and
Emergency Department Approved for Pediatrics (EDAP) Status

Application Form

Name of hospital and address (typed)

_____

_____

_____

The above-named hospital is requesting PCCC and EDAP recognition. In addition, the above-named hospital certifies that each requirement in this Request for Recognition is met.

_____
Typed name – CEO/Administrator

_____
Signature – CEO/Administrator Date

_____
Typed name – Chairman of the Department of Pediatrics

_____
Signature – Chairman of the Department of Pediatrics Date

_____
Typed name – Medical Director of Emergency Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Signature – Medical Director of Emergency Services Date

Contact Person – Typed name, credentials and title

Contact Person – Phone number, fax number and email

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 515.APPENDIX O Pediatric Critical Care Center Plan

I. PEDIATRIC CRITICAL CARE CENTER PLAN

Application Checklist
Instructions: Please follow and complete this checklist carefully. It outlines the components that must be included in the submitted plan. Please include any applicable supplemental documentation.

A. Organizational Structure

1. Enclosed is an organizational table identifying the administrative relationships among all departments in the hospital, especially as they relate to the pediatrics department. The table shall include, but is not limited to, the following:

☐ board of directors
☐ chief executive officers
☐ emergency department
☐ department of pediatrics
☐ pediatric ambulatory care
☐ trauma service
☐ department of radiology
☐ laboratory services
☐ transport service team
☐ social services

2. Enclosed is an organizational table showing the organizational structure of the department of pediatrics, including the relationship of the physician, nursing and ancillary services for both the PICU and pediatric units. Include the reporting structure for the pediatric chairman (to whom he/she reports).

☐ Department of Pediatrics Organizational Structure (Table)

3. Enclosed is an organizational table showing the organizational structure of the emergency department, including the relationship of the physician, nursing and ancillary services. Include the reporting structure for the emergency department director (to whom he/she reports).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

☐ Emergency Department Organizational Structure (Table)

EDAP Checklist

Review the criteria in Section 515.4000(a)(1) and (2) for the physician staff qualifications and continuing medical education and submit each of the following:

- ☐ A policy or medical staff bylaws that incorporate the physician qualifications and CME requirements.
- ☐ A completed Credentials of Emergency Department Physicians form
- ☐ A completed Credentials of Fast Track Physicians form
- ☐ The curriculum vitae for the ED medical director
- ☐ A current one-month physician schedule for the ED

Review the criteria in Section 515.4000(a)(3) for the ED physician coverage and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(a)(4) for ED consultation and submit a one-month on-call schedule identifying availability of board certified/board prepared pediatricians or pediatric emergency medicine physicians.

Review the criteria in Section 515.4000(a)(5) for ED physician back-up and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(a)(6) for all on-call specialty physician response time and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(b)(1) and (2) for nurse practitioner and physician assistant qualifications and continuing medical education and submit the following (as applicable):

- ☐ A policy(s) that incorporates the mid-level provider qualifications and continuing education requirements
- ☐ A completed Credentials of Emergency Department and Fast Track Nurse Practitioner, Clinical Nurse Specialist, and Physician Assistant form
- ☐ A current one-month schedule for the emergency department and fast track area as applicable.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Review the criteria in Section 515.4000(c)(1) and (2) for nursing qualifications and continuing education and submit the following:

- ☐ A policy that incorporates the nursing qualifications and CE requirements
- ☐ A completed Credentials of Emergency Department Nursing Staff form
- ☐ A one-month nurse staffing schedule for the emergency department

Review the criteria in Section 515.4000(d)(1) for inter-facility transfer and submit the following:

- ☐ An inter-facility transfer policy that addresses pediatric transfers
- ☐ A copy of current pediatric-specific transfer agreements with hospitals that provide pediatric specialty services, pediatric intensive care and burn care not available at your facility

Review the criteria in Section 515.4000(d)(2) for suspected child abuse and neglect and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(d)(3) for treatment protocols and submit all pediatric treatment protocols.

Review the criteria in Section 515.4000(d)(4) for latex allergy policy and submit a policy that addresses latex allergies and the availability of latex-free equipment and supplies.

Review the criteria in Section 515.4000(d)(5) for disaster preparedness and submit a completed pediatric disaster preparedness checklist.

Review the criteria in Section 515.4000(e)(1) for quality improvement activities and the multidisciplinary quality improvement committee and submit the following:

- ☐ A quality improvement plan, including a QI policy, pediatric indicators, feedback loop and target time frames for closure of issues
- ☐ The composition of the multidisciplinary QI committee

Review the criteria in Section 515.4000(e)(2) and (3) for the pediatric physician champion and the pediatric quality coordinator responsibilities and submit the following:

- ☐ A curriculum vitae for the pediatric physician champion
- ☐ A curriculum vitae and job description for the pediatric quality coordinator

☐ Documentation detailing the participation of the pediatric quality coordinator in regional QI activities and how that has affected pediatric quality care in the ED

Review the criteria in Section 515.4000(f) for the list of emergency department equipment requirements and submit a completed checklist indicating the availability of all equipment.

Indicate in the pediatric plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order) or an equipment waiver request shall be submitted for each item. Requests for waiver shall include the criteria by which compliance is considered to be a hardship and demonstrate that there will be no reduction in the provision of medical care.

~~If assistance is needed in identifying specific vendors for any of the equipment or supply items in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.~~

B. PCCC Checklist

1. Hospital Requirements

Review the criteria in Section 515.4020(a) of the PCCC requirements as related to hospital resources and submit documentation identifying the ability to meet each of the following:

☐ A scope of services/policy outlining PICU services, unit resources and capabilities. Include any guidelines that outline pediatric admission criteria based on age parameters and~~/or~~ diagnoses

☐ A list of the members of the PICU Committee, as well as their disciplines, to meet subsection (a)(3)

☐ Documentation to substantiate that Section 515.4020(a)(4) (Helicopter landing) is met

☐ A statement regarding 24-hour availability to meet Section 515.4020(a)(5) (CAT scan)

☐ A statement regarding the ability to meet Section 515.4020(a)(6) (Laboratory)

☐ A statement of availability or transfer agreement to meet Section 515.4020(a)(7) (Hemodialysis capabilities)

☐ A statement or scope of service from each program identifying the availability of staff as required in Section 515.4020(a)(8) (Other staffing/services)

☐ A list of professional pediatric critical care educational trainings that staff have provided in the past year to meet Section 515.4020(a)(9) (include information on

trainings held within the facility, within the region or surrounding geographic area)

☐ A list of pediatric emergency care classes that staff have provided in the past year to meet Section 515.4020(a)(10) (i.e., CPR, first aid, health fairs, etc., conducted for the patient population and the community, region or surrounding geographic area)

☐ Documentation of any pediatric research the facility has been engaged in during the past year to meet Section 515.4020(a)(11) (include the research project abstract, summary of projects or listing of research activities)

II. PICU SERVICE REQUIREMENTS

A. Professional Staff

1. PICU Medical Director

Review the criteria in Section 515.4020(b) for the Medical Director and Co-Director requirements and submit each of the following:

☐ A curriculum vitae for the appointed PICU medical director

☐ A copy of board certification or verification of board certification

☐ A curriculum vitae and board certification for the co-director (as applicable − see Section 515.4020(b)(1)

2. PICU Medical Staff Requirements

Review the criteria in Section 515.4020(c) and submit each of the following:

PICU Medical Staff

☐ A policy outlining PICU physician staffing, coverage, availability, and CME requirements that incorporates Section 515.4020(c)(1)(A) and (B)

☐ A completed Credentials of PICU Physicians form that includes the medical director (and co-director as applicable)

☐ A one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)

Physician Specialist Availability (Section 515.4020(c)(2))

☐ A policy or by-laws that address the response time and on-call scheduling of pediatric surgeons

- ☐ A policy/process outlining board or sub-board certification or board preparedness for all specialist physicians
- ☐ A policy/process outlining how pediatric proficiency is defined and assuring that all specialist physicians maintain 10 hours of pediatric CME per year
- ☐ A policy/process outlining anesthesiologist on-call staffing and response time, subspecialty training in pediatric anesthesiology or pediatric proficiency as defined by institution, and 10 hours of pediatric CME per year; for Certified Registered Nurse Anesthetists, provide a copy of the by-laws that address their responsibilities and back up
- ☐ On-call schedules from the last month that list physician availability to meet Section 515.4020(c)(2)(C) and (D)

3. PICU Nurse Practitioner, Clinical Nurse Specialist, or Physician Assistant Requirements

NOTE – Complete this section only if physician assistants, clinical nurse specialists, or nurse practitioners practice in the PICU.

Review the criteria in Section 515.4020(d) and submit each of the following:

Nurse Practitioner (Section 515.4020(d)(1))

- ☐ A policy outlining PICU nurse practitioner staffing, coverage, availability, responsibilities and credentialing process
- ☐ A copy of a one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)
- ☐ A completed Credentials of PICU Nurse Practitioner, Clinical Nurse Specialist, and~~or~~ Physician Assistant form

Clinical Nurse Specialist (Section 515.4020(d)(2))

- ☐ A policy outlining PICU clinical nurse specialist staffing, coverage, availability, responsibilities and credentialing process
- ☐ A copy of a one-month staffing schedule or calendar (schedule should be from within the three-month time period previous to the application submission)
- ☐ A completed Credentials of PICU Nurse Practitioner, Clinical Nurse Specialist and Physician Assistant form

Physician Assistant (Section 515.4020(d)(3~~2~~))

- ☐ A policy outlining PICU physician assistant staffing, coverage, availability, responsibilities and credentialing process

- ☐ A copy of a one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)
- ☐ A completed Credentials of PICU Nurse Practitioner, Clinical Nurse Specialist, and ~~or~~ Physician Assistant form

Education (Section 515.4020(d)(4~~3~~) and (54))

- ☐ A policy that incorporates APLS, PALS or ENPC (Section 515.4020(d)(3))
- ☐ A copy of the PICU nurse practitioner, clinical nurse specialist, and physician assistant continuing education policy that incorporates Section 515.4020(d)(4)

4. PICU Nursing Staff Requirements

Review the criteria in Section 515.4020(e) and submit each of the following:

PICU Nurse Manager

- ☐ A curriculum vitae for the PICU manager
- ☐ A policy or job description that incorporates Section 515.4020(e)(1)(C)

PICU Pediatric Clinical Nurse Expert~~Advanced Practice Nurse~~

- ☐ A policy or job description of the role and responsibilities of the pediatric clinical nurse expert ~~advanced practice nurse~~ in the PICU
- ☐ A resume of the PICU pediatric clinical nurse expert~~advanced practice nurse~~
- ☐ A policy that incorporates Section 515.4020(e)(2)(C) and (D)

Nursing Patient Care Services

- ☐ A policy/documentation outlining current nursing shift staffing plan/patterns
- ☐ A completed Credentials of PICU Nursing Staff form that includes the PICU nurse manager and PICU pediatric clinical nurse expert~~advanced practice nurse~~
- ☐ A policy or job description for the PICU nurse that outlines the orientation process to the unit responsibilities and requirements of the Department (Section 515.4020(e)(3)(C) and (D))
- ☐ A copy of a one-month nurse staffing schedule/calendar (schedule shall be from within the three-month time period previous to the application submission)
- ☐ A policy reflecting yearly competency review requirements for the PICU staff

D. Policies, Procedures and Treatment Protocols

Review the criteria in Section 515.4020(f) and submit each of the following:

- ☐ An admission and discharge criteria policy
- ☐ A staffing policy that addresses nursing shift staffing patterns based on patient acuity
- ☐ A policy for managing the psychiatric needs of the PICU patient
- ☐ Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses

E. Inter-facility Transfer/Transport Requirements

Review the criteria in Section 515.4020(g) and submit each of the following:

- ☐ A copy of the last annual report containing the number of annual transfers to the facility from transferring institutions
- ☐ A policy outlining the feedback process to transferring hospitals on the status of the referral patient and the methods for quality review of the transfer process
- ☐ Documentation outlining the pediatric inter-facility transport system capabilities and resources
- ☐ A transfer policy that addresses pediatric inter-facility transfers

F. Quality Improvement Requirements

Review the criteria in Section 515.4020(h) and submit each of the following:

- ☐ A list of the members of the Multidisciplinary Pediatric Quality Improvement Committee and their respective positions/disciplines
- ☐ An institutional Quality Improvement Organizational Chart
- ☐ The PICU outcome analysis plan and pediatric monitoring activities that meet Section 515.4020(h)(2) (minutes from the past year that reflect the activities of the Multidisciplinary Pediatric Quality Improvement Committee will be requested at the time of site survey)

G. Equipment

Review the criteria in Section 515.4020(i) and submit the following:

Indicate in the Pediatric Plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order); if the item is not on order, an equipment waiver request shall be submitted for each item. Requests for an equipment waiver shall include

the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

~~If assistance is needed in identifying specific vendors for any of the equipment/supply items noted in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.~~

III. PEDIATRIC INPATIENT CARE SERVICE REQUIREMENTS

A. Professional Staff

1. Pediatric Unit Physician Requirements

Review the criteria in Section 515.4020(j) and submit each of the following:

- ☐ A curriculum vitae and a copy of board certification for the pediatric inpatient director
- ☐ A policy or a scope of services for the pediatric unit that defines responsibility for medical management of care
- ☐ If pediatric hospitalists are used, documentation that defines their scope of service, including their responsibilities to other attending physicians
- ☐ A completed Credentials of Pediatric Unit Hospitalists form
- ☐ A policy that incorporates Section 515.4020(j)(1)(B)
- ☐ A policy or scope of services outlining the responsibility of the PICU medical director or his/her designee as being available on call and for consultation on all pediatric in-house patients who may require critical care

2. Pediatric Unit Nurse Manager Requirements

Review the criteria in Section 515.4020(j)(2) and submit each of the following:

- ☐ A curriculum vitae for the pediatric unit manager
- ☐ A job description or policy incorporating Section 515.4020(j)(2)(C)

3. Pediatric Unit Nursing Care Services

Review the criteria in Section 515.4020(j)(3) and submit each of the following:

- ☐ A policy/documentation outlining current nursing shift staffing plan/patterns

- ☐ A policy describing annual competency review requirements for the pediatric nursing staff (Section 515.4020(j)(3)(B))
- ☐ A policy or job description for the pediatric unit nurse that outlines the orientation process to the unit responsibilities and requirements of the Department that address Section 515.4020(j)(3)(A) through (D)
- ☐ A copy of a one-month nursing staffing schedule/calendar (schedule shall be from within the three-month time period previous to the application submission)
- ☐ A completed Credentials for the Pediatric Unit Nursing Staff form that includes the Pediatric Unit Nurse Manager

B. Policies, Procedures and Treatment Protocols

Review the criteria in Section 515.4020(k) and submit each of the following:

- ☐ A policy or scope of services that outlines the pediatric department services, ages of patients served and admission guidelines
- ☐ A staffing policy that addresses nursing shift staffing patterns based on patient acuity
- ☐ A safety and security policy for the patient in the unit
- ☐ An inter-facility transport policy that addresses safety and acuity
- ☐ An intra-facility transport policy that addresses safety and acuity
- ☐ A latex allergy policy
- ☐ A pediatric organ procurement/donation policy
- ☐ An isolation precautions policy that incorporates appropriate infection control measures
- ☐ A disaster~~/terrorism~~ policy that addresses the specific medical and psychosocial needs of the pediatric population
- ☐ Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses
- ☐ A pediatric policy that addresses the resources available to meet the psychosocial needs of patients and family, and appropriate social work referral for the following indicators (see Pediatric Bill of Rights in Appendix N):
  - Child death
  - Child has been a victim of or witness to violence
    Family needs assistance in obtaining resources to take the child home
  - Family needs a payment resource for their child's health needs
    Family needs to be linked back to their primary health, social service or educational system

- Family needs support services to adjust to their child's health condition or the increased demands related to changes in their child's health condition
- Family needs additional education related to the child's care needs to care for the child at home

☐ A discharge planning policy or protocol that includes the following:

1. Documentation of appropriate primary care/specialty follow-up provisions
2. Mechanism to access a primary care resource for children who do not have a provider
3. Discharge summary provision to appropriate medical care provider, parent/guardian, that includes:
   - Information on the child's hospital course
   - Discharge instructions and education
   - Follow-up arrangements
4. Appropriate referral of patients to rehabilitation or specialty services for children who may have any of the following problems:
   - Require the assistance of medical technology
   - Do not exhibit age-appropriate activity in cognitive, communication or motor skills, behavioral or social/emotional realms
   - Have additional medical or rehabilitation needs that may require specialized care, such as medication, hospice care, physical therapy, home health or speech/language services
   - Have a brain injury – mild, moderate or severe
   - Have a spinal cord injury
   - Exhibit seizure behavior during an acute care episode or have a history of seizure disorder and are not currently linked with specialty follow-up
   - Have a submersion injury, such as a near drowning
   - Have a burn (other than a superficial burn)
   - Have a pre-existing condition that experiences a change in health or functional status
   - Have a neurological, musculoskeletal or developmental disability
   - Have a sudden onset of behavioral change, for example, in cognition, language or affect

C. Quality Improvement Requirements

Review the criteria in Section 515.4020(l) and submit the following:

☐ The titles of the pediatric unit representatives that serve on the Multidisciplinary Pediatric Quality Improvement Committee

D. Equipment Requirements

Review the criteria in Section 515.4020(m) and submit the following:

Indicate in the Pediatric Plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order); if the item is not on order, an equipment waiver request shall be submitted for each item. Requests for an equipment waiver shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

~~If assistance is needed in identifying specific vendors for any of the equipment/supply items noted in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.~~

(Source: Amended at 44 Ill. Reg. 15619, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: AIDS Drug Assistance Program

2) Code Citation: 77 Ill. Adm. Code 692

3) Section Number: 692.Appendix A — Adopted Action: Amendment

4) Statutory Authority: Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87] and Section 314 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]

5) Effective Date of Rule: September 1, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal pPublished in *Illinois Register*: 44 Ill. Reg. 5326; March 27, 2020

10) Has JCAR issued a State of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

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

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

15) Summary and Purpose of Rulemaking: This rulemaking updates Section 692.Appendix A with respect to the federal poverty level changing from the 2019 federal poverty level to the 2020 federal poverty level.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692
AIDS DRUG ASSISTANCE PROGRAM

Section
692.5 Definitions
692.6 Incorporated and Referenced Materials
692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
692.15 Application Requirements
692.16 Non-Discrimination

692.APPENDIX A 2020~~2019~~ Poverty Income Guidelines
692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009 Sliding Fee Scale

AUTHORITY: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 2012 ; peremptory amendment at 37 Ill. Reg. 2563, effective February 15, 2013; emergency amendment at 37 Ill. Reg. 3899, effective March 18, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 11371, effective July 2, 2013; emergency amendment at 38 Ill. Reg. 7997, effective March 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17363, effective August 1, 2014; amended at 39 Ill. Reg. 9978, effective July 2, 2015; amended

at 40 Ill. Reg. 9527, effective June 29, 2016; amended at 41 Ill. Reg. 10657, effective August 2, 2017; amended at 42 Ill. Reg. 13256, effective June 21, 2018; amended at 43 Ill. Reg. 6679, effective May 20, 2019; amended at 44 Ill. Reg. 15759, effective September 1, 2020.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section 692.APPENDIX A 2020~~2019~~ Poverty Income Guidelines

2020~~2019~~ Health and Human Services Poverty Guidelines		
Persons in Family	**100% Poverty Guideline**	**Maximum Gross Annual Income ADAP 300% Eligibility**
1	$12,760~~12,490~~	$38,280~~37,470~~
2	17,240~~16,910~~	51,720~~50,730~~
3	21,720~~21,330~~	65,160~~63,990~~
4	26,200~~25,750~~	78,600~~77,250~~
5	30,680~~30,170~~	92,040~~90,510~~
6	35,160~~34,590~~	105,480~~103,770~~
7	39,640~~39,010~~	118,920~~117,030~~
8	44,120~~43,430~~	132,360~~130,290~~
For additional persons, add	4,480~~4,420~~	13,440~~13,260~~
See: Federal Register: 85~~84~~ FR 3060~~1167~~, January 17, 2020~~February 2, 2019~~		

(Source: Amended at 44 Ill. Reg. 15759, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Control of Sexually Transmissible Infections Code

2) Code Citation: 77 Ill. Adm. Code 693

3) Section Number: 693.100 — Adopted Action: Amendment

4) Statutory Authority: Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6]

5) Effective Date of Rule: September 1, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 5331; March 27, 2020

10) Has JCAR issued a State of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

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

15) Summary and Purpose of Rulemaking: This rulemaking implements Executive Order 2019-08 to permit the Department of Public Health to share data with the Department of Healthcare and Family Services for the sole purpose of treatment of persons living with HIV.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693
CONTROL OF SEXUALLY TRANSMISSIBLE INFECTIONS CODE

Section
693.10 Definitions
693.15 Incorporated and Referenced Materials
693.20 Reportable STIs and Laboratory Results
693.30 Reporting
693.35 Fines and Penalties
693.40 Counseling and Partner Services
693.45 Notification of Health Care Contacts
693.50 Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia, HIV or Chancroid
693.60 Quarantine and Isolation for Syphilis, Gonorrhea, Chlamydia, HIV and Chancroid
693.70 Counseling and Education for AIDS and HIV (Repealed)
693.80 Isolation for AIDS and HIV (Repealed)
693.90 Quarantine (Repealed)
693.100 Confidentiality
693.110 Examination and Treatment of Prisoners
693.120 Certificate of Freedom from STIs
693.130 Treatment of Minors
693.140 Control Measures (Repealed)
693.150 Expedited Partner Therapy (EPT)

AUTHORITY: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305].

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective October 28, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; emergency expired June 7, 1993; amended at 17 Ill. Reg. 15909, effective September 20, 1993; amended at 19 Ill. Reg. 1126, effective January 20, 1995; amended at 22 Ill. Reg. 22026, effective December 9, 1998; amended at 25 Ill. Reg. 3916, effective April 1, 2001;

amended at 25 Ill. Reg. 14497, effective November 1, 2001; amended at 37 Ill. Reg. 8762, effective June 12, 2013; amended at 38 Ill. Reg. 20788, effective October 15, 2014; amended at 41 Ill. Reg. 1815, effective January 24, 2017; amended at 44 Ill. Reg. 15764, effective September 1, 2020.

Section 693.100 Confidentiality

a) *All information and records held by the Department and* local health departments or designated agents *relating to known or suspected cases of* STIs *shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act. The Department and* local health departments or designated agents *shall not disclose information and records held by them relating to known or suspected cases of* STIs *publicly or in any action of any kind in any court or before any tribunal, board or agency.* (Section 8(a) of the Act)

b) Information and records contained in databases~~Databases~~ maintained by the Department, certified local health departments, or designated agents containing the information described in subsection (a) shall not be released for the purposes of matching with other State agency databases, except to the Illinois Department of Healthcare and Family Services for the sole purpose of treatment of a person living with HIV subject to state, federal and tribal confidentiality statutes and regulations.

c) *The~~Such~~ information shall not be released or made public* by the Department, local health departments or designated agents, or by a court or parties to a lawsuit upon revelation by subpoena, or *by a court conducting proceedings authorized by Section 6(c) of* the *Act, except that release of the~~such~~ information may be made under the following circumstances*:

1) *When made with the consent of all persons to which the information applies* (Section 8(a)(1) of the Act);

2) *When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed* (Section 8(a)(2) of the Act);

3) *When made to medical personnel*, the Department, local health departments or designated agents for care and treatment purposes, including for the purposes of ensuring that medical providers can attempt

to re-engage persons with HIV in care and to provide partner services, *appropriate State agencies* expressly charged in the Act and this Part with enforcement of the provisions of the Act, *or courts of appropriate jurisdiction to enforce the provisions of* the *Act and* this Part (Section 8(a)(3) of the Act);

4) When authorized by 77 Ill. Adm. Code 697.210 (HIV/AIDS Confidentiality and Testing Code);

5) When authorized by the AIDS Confidentiality Act.

d) *A court hearing a request for the issuance of a warrant as authorized in Section 6(c) of* the *Act shall conduct those~~such~~ proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal*. (Section 8(c) of the Act)

e) *No employee of the Department*, a local health department, or designated agent *shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined*, tested, *or treated for* an STI, or a contact of the person, *by the Department*, a local health department or designated agent *pursuant to the provisions of* the *Act, or concerning the existence or contents of ~~such~~ reports received from a* health care professional or *health care facility, pursuant to the provisions of* the *Act, without the consent of the person examined*, tested or *treated*, or a contact to an STI, *except in proceedings under Sections 6 and 7 of* the *Act*. (Section 8(d) of the Act)

f) All *information and records held by the Department*, a local health department, or designated agent *pertaining to* health care contact risk assessment and notification activities *shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. The~~Such~~ information and records shall not be released or made public by the Department*, a local health department, or designated agent, *and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure* (Product Liability) [735 ILCS 5] *except under the following circumstances*:

1) *When* disclosure is *made with the written consent of all persons to whom*

this information pertains;

2) *When authorized under Section 8* of the Act *to be released under court order or subpoena pursuant to Section* 12-5.01 *of the Criminal Code of 1961; or*

3) *When* disclosure is *made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of* the *Act.* *The~~Such~~ disclosure shall conform to the requirements of Section 8(a) of* the *Act.* (Section 5.5 of the Act)

g) *Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under* Section 5.5 of the Act *is guilty of a Class A Misdemeanor.* (Section 5.5(d) of the Act)

(Source: Amended at 44 Ill. Reg. 15764, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: HIV/AIDS Confidentiality and Testing Code

2) Code Citation: 77 Ill. Adm. Code 697

3) Section Number: 697.220 — Adopted Action: Amendment

4) Statutory Authority: AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325 and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580]

5) Effective Date of Rule: September 1, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 5337; March 27, 2020

10) Has JCAR issued a State of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

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

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

15) Summary and Purpose of Rulemaking: This rulemaking implements Executive Order 2019-08 by explicitly allowing the Department of Public Health to share HIV/AIDS Registry data with the Department of Healthcare and Family Services for the purpose of treatment of persons living with HIV, and outlines how any HIV/AIDS Registry data

shared by the Department will be shared and how shared data is to be handled by any recipient of the data.

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

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 697
HIV/AIDS CONFIDENTIALITY AND TESTING CODE

SUBPART A: GENERAL PROVISIONS

Section
697.10 Applicability (Repealed)
697.20 Definitions
697.30 Incorporated and Referenced Materials
697.40 Administrative Hearings

SUBPART B: HIV TESTING

Section
697.100 Approved HIV Tests and Testing Procedures
697.110 HIV Pre-Test Information
697.120 Informed Consent
697.130 Anonymous Testing
697.140 Nondisclosure of the Identity of a Person Tested or Test Results
697.150 Marriage License Testing Requirements (Repealed)
697.155 Delivery of HIV Test Results
697.160 HIV Testing for Insurance Purposes
697.170 Enforcement of the AIDS Confidentiality Act
697.180 HIV Testing for Blood and Human Tissue Donations

SUBPART C: HIV/AIDS REGISTRY SYSTEM

Section
697.200 HIV/AIDS Registry System
697.210 Reporting Requirements
697.220 Release of HIV/AIDS Registry Data

SUBPART D: HIV COUNSELING AND TESTING CENTERS

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

697.300 HIV Counseling and Testing Centers (Repealed)

SUBPART E: MISCELLANEOUS PROVISIONS

Section
697.400 Notification of School Principals (Repealed)
697.410 Guidelines for the Management of Chronic Infectious Diseases in School Children (Repealed)
697.420 Testing, Treatment or Counseling of Minors

697.APPENDIX A Sample HIV Testing Forms (Repealed)
697.ILLUSTRATION A Sample Written Informed Consent for HIV Antibody Testing (Repealed)
697.ILLUSTRATION B Sample Marriage License Testing Certificate (Repealed)
697.APPENDIX B Statutory and Regulatory References to AIDS (Repealed)
697.APPENDIX C Sample Written Informed Consent for Rapid HIV Antibody Testing (Repealed)

AUTHORITY: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 1601, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9952, effective May 27, 1988; amended at 13 Ill. Reg. 11544, effective July 1, 1989; amended at 15 Ill. Reg. 11646, effective August 15, 1991; emergency amendment at 17 Ill. Reg. 1204, effective January 7, 1993, for a maximum of 150 days; emergency expired on June 7, 1993; amended at 17 Ill. Reg. 15899, effective September 20, 1993; amended at 19 Ill. Reg. 1117, effective January 20, 1995; amended at 22 Ill. Reg. 21994, effective December 9, 1998; amended at 28 Ill. Reg. 13905, effective October 8, 2004; emergency amendment at 29 Ill. Reg. 14558, effective September 14, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 2373, effective February 3, 2006; amended at 36 Ill. Reg. 7613, effective May 4, 2012; amended at 38 Ill. Reg. 20811, effective October 15, 2014; amended at 42 Ill. Reg. 6425, effective March 21, 2018; amended at 44 Ill. Reg. 15770, effective September 1, 2020.

SUBPART C: HIV/AIDS REGISTRY SYSTEM

Section 697.220 Release of HIV/AIDS Registry Data

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

a) *The Department may not release* data *gathered pursuant to the* HIV/AIDS Registry Act *unless*:

1) *It is in a statistical form that does not identify the reporting entity, physician and patient in any way, including by address*;

2) *The release or transfer is to an Illinois Local Public Health Department or to a registry or health department of another state, and is of* data *concerning a person who is residing in that jurisdiction*. The Department shall disclose individual patient data concerning residents of another state to the Registry in the individual's state of residence if the recipient of reported information about HIV/AIDS is legally required to hold reported information about HIV/AIDS in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law. (Section 7(a) of the AIDS Registry Act)

b) *All data obtained directly from medical records of individual patients shall be for the confidential use of the Department and those entities authorized by the Department to view those~~such~~ records in order to carry out the purposes of* the HIV/AIDS Registry Act. (Section 7(b) of the HIV/AIDS Registry Act)

1) As outlined in the Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), HIV/AIDS Registry information may be disclosed to public health authorities when required by federal, tribal, or state laws.

2) The Department will share the information in a manner that protects the confidentiality of the protected health information. Only the minimum information necessary for the intended purpose shall be disclosed.

3) For the sole purpose of treatment of a person living with HIV, the Department may share identifiable confidential health information contained in the HIV/AIDS Registry with the Illinois Department of Healthcare and Family Services.

4) A person or institution to whom information is furnished or to whom access to records has been given pursuant to this Section shall not divulge

any part of the information or records so as to disclose the identity of the person to whom the information or record relates, except as necessary for the treatment of a person living with HIV. All health data shared by the Department shall be stored by the recipient of the data in a secure data environment. Disclosure may take place using electronic means compliant with HIPAA security and privacy standards. The Department may prescribe the use of a health information exchange to achieve these purposes when a health information exchange is available.

c) *The identity of any person whose condition or treatment has been studied, or any facts which are likely to reveal the identity of such person, shall be confidential and shall not be revealed in any report or any other matter prepared, released or published. Researchers may, however, use the names of persons when requesting additional information for research studies approved by the Department; provided, however, that when a request for additional information is to be made, the Department shall first obtain authorization from the patient or the patient's legally authorized representative* after ascertaining that a test subject's physical and psychological condition is suitable for the request in the opinion of the test subject's health care professional. (Section 7(c) of the HIV/AIDS Registry Act)

1) All requests by medical or epidemiologic researchers for confidential HIV/AIDS Registry data shall be submitted in writing to the Department. The request shall include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, health care professionals or study subjects, and including methods for documenting compliance with 42 CFR 2a.4(a) through –(j), 2a.6(a) through –(b), and 2a. 7(a) through –(b)(1); methods for the processing of data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request shall specify what patient or facility identifying information is needed and how the information will be used.

2) All requests to conduct research and modifications to approved research proposals involving the use of data that includes patient or facility identifying information shall be subject to a review to determine

compliance with the following conditions. The Department will enter into contracts for research that requires the release of patient or health care facility identifying information when requests meet the following conditions:

A) The request for patient or facility identifying information contains stated goals or objectives;

B) The request documents the feasibility of the study design in achieving the stated goals and objectives;

C) The request documents the need for the requested data to achieve the stated goals and objectives;

D) The requested data can be provided within the time frame set forth in the request;

E) The request documents that the researcher has qualifications relevant to the type of research being conducted;

F) The research will not duplicate other research already underway using the same Registry data; and

G) The request documents other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights, because the Department will release only the patient or facility identifying information that is necessary for the research.

3) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used. In addition, the researcher shall include assurances that:

A) The researcher understands that use of data is restricted to the specifications of the research protocol;

B) The researcher understands that any data that may lead to the identity of any patient, research subject, health care professional,

other person, or hospital is strictly privileged and confidential and agrees to keep all data strictly confidential at all times;

C) The researcher understands that all officers, agents and employees are to keep all data strictly confidential;

D) The researcher agrees to communicate the requirements of this Section to all officers, agents, and employees, to discipline all persons who may violate the requirements of this Section, and to notify the Department in writing within 48 hours after any violation of this Section, including full details of the violation and corrective actions to be taken;

E) The researcher understands that all data provided by the Department pursuant to this contract may be used only for the purposes named in this contract and that any other or additional use of the data shall result in immediate termination of this contract by the Department; and

F) The researcher understands that all data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of the contract.

4) Any departures from the approved protocol shall be submitted in writing and approved by the Director in accordance with subsection (c)(2) prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.

5) The Department shall disclose individual patient or facility information to the reporting facility that originally supplied that information to the Department, upon written request of the facility.

d) HIV/AIDS information may be disclosed in accordance with Sections 697.140 and 697.400.

e) *No liability shall attach to any hospital, physician or other facility submitting*

information pursuant to the *Act based upon a claim that the~~such~~ hospital, physician or facility reported information that~~which~~ may be confidential*. (Section 7(d) of the HIV/AIDS Registry Act)

(Source: Amended at 44 Ill. Reg. 15770, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Grade "A" Pasteurized Milk and Milk Products

2) Code Citation: 77 Ill. Adm. Code 775

3) Section Number: 775.20 — Adopted Action: Amendment

4) Statutory Authority: Grade "A" Pasteurized Milk and Milk Products Act [410 ILCS 635]

5) Effective Date of Rule: September 1, 2020

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 4503; March 20, 2020

10) Has JCAR issued a State of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

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

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

15) Summary and Purpose of Rulemaking: This rulemaking updates materials incorporated by reference.

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

Erin Conley
Rules Coordinator
Division of Legal Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 775
GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

775.1 Minimum Regulations (Renumbered)
775.10 Definitions
775.20 Incorporated and Referenced Materials
775.30 Minimum Requirements
775.40 Local Government Implementation
775.50 Permits
775.55 Raw Milk Permit
775.60 Suspension of Permits
775.70 Inspections and Investigations
775.80 Approval of Construction Plans
775.90 Administrative Hearings
775.100 Milk Hauler-Samplers Examination
775.110 Milk Tank Trucks
775.115 Certified Pasteurizer Sealer Program
775.120 Cleaning and Sanitizing Procedures
775.130 Action Levels for Added Water in Milk
775.140 Pesticide, Herbicide and Mycotoxin Residue Control Program (Repealed)
775.150 Drug Residue Control Program

AUTHORITY: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629, effective September 25, 2001; amended at 27 Ill. Reg. 15979, effective October 1, 2003; amended at 32 Ill. Reg. 8432, effective May 21, 2008; amended at 35 Ill. Reg. 14193, effective August 2, 2011; amended at 37 Ill. Reg. 7166, effective May 13, 2013; amended at 38 Ill. Reg. 11796, effective May 21, 2014; amended at 39 Ill. Reg. 420, effective December 19, 2014;

amended at 40 Ill. Reg. 2964, effective January 29, 2016; amended at 42 Ill. Reg. 6732, effective March 29, 2018; amended at 44 Ill. Reg. 15779, effective September 1, 2020.

Section 775.20 Incorporated and Referenced Materials

a) The following regulations, guidelines and standards are incorporated in this Part:

1) Federal government guidelines:

A) The Grade A Pasteurized Milk Ordinance (PMO), and Appendices A through R (except Sections 16 and 17) Recommendations of the United States Public Health Service/Food and Drug Administration, 2017~~2015~~ Revision (Publication 229). U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835. In addition, the jurisdiction name, left blank in Sections 1, 2, 3, 5, and 11 of the PMO, for the purposes of this Part, shall mean the State of Illinois; and the regulatory agency referred to in Section 1 shall mean the Illinois Department of Public Health. (See Section 775.30(a).)

B) Evaluation of Milk Laboratories (2017~~2015~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

C) Methods of Making Sanitation Ratings of Milk Supplies (2017~~2015~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

D) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments (2017~~2015~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

2) Private and professional standards:

A) Standard Methods for the Examination of Dairy Products (17th Edition, 2004, American Public Health Association, 1015 – 18th Street, N.W., Washington, DC 20036). (See Section 775.70(b).)

B) Official Methods of Analysis of the Association of Official Analytical Chemists (18th Edition, 2010, Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, DC 20044). (See Section 775.70(b).)

C) 3-A Sanitary Standards and Accepted Practices (January 5, 2015) (3-A Standards), 3-A Sanitary Standards, Inc., 6888 Elm Street, Suite 2D, McLean VA 22101 (http://www.3-a.org).

3) Federal regulations:

A) 21 CFR 131.110, Milk (2019~~2015~~). (See Section 775.10, the definition of "milkfat and nonfat solid content standards".)

B) 21 CFR 556, Tolerances for Residues or New Animal Drugs in Food (2019~~2015~~). (See Section 775.10, the definition of "violative drug residue".)

C) 40 CFR 180, Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food (2019~~2015~~). (See Section 775.140(a)(1).)

b) The following rules and statutes are referenced in this Part:

1) Illinois Plumbing Code (77 Ill. Adm. Code 890), Illinois Department of Public Health. (See Section 775.30(c)(4).)

2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), Illinois Department of Public Health. (See Section 775.90.)

3) Food Service Sanitation Code (77 Ill. Adm. Code 750).

4) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].

5) Illinois Administrative Procedure Act [5 ILCS 100].

6) Food Handling Regulation Enforcement Act [410 ILCS 625].

c) All incorporations by reference of federal guidelines and regulations and the standards of professional organizations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.

d) All citations to federal regulations in this Part concern the specified regulation in the 2019~~2015~~ Code of Federal Regulations, unless another date is specified.

e) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield IL 62761.

(Source: Amended at 44 Ill. Reg. 15779, effective September 1, 2020)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Drinking Water Systems Code

2) Code Citation: 77 Ill. Adm. Code 900

3)

Section Numbers:	Adopted Actions:
900.10	Amendment
900.15	Amendment
900.20	Amendment
900.35	New Section
900.40	Amendment

4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9]

5) Effective Date of Rules: September 1, 2020

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 4509; March 20, 2020

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

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

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

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

15) Summary and Purpose of Rulemaking: This rulemaking adds a new section for the Revised Total Coliform Rule (RTCR) that applies to Illinois Non-Community Public Water Systems (NCPWSs), such as schools, daycares, camp grounds, and restaurants,

that operate their own water system. This new RTCR Section adds an assessment process that requires water systems that have Total Coliform or E. Coli Bacteria contamination to determine what caused the contamination and take corrective action. It also adds a requirement for seasonal water systems to perform a start-up procedure to ensure the water system is free of contamination prior to serving water to the public.

16) Information and questions regarding these adopted rules shall be directed to:

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 900
DRINKING WATER SYSTEMS CODE

Section
900.10 Definitions
900.15 Incorporated and Referenced Materials
900.20 General Requirements
900.30 Special Requirements
900.35 Revised Total Coliform Rule for Non-Community Public Water Systems
900.40 Water System Design
900.45 Non-Transient, Non-Community Public Water System Operator Certification
900.50 Inorganic Chemicals (Repealed)
900.60 Turbidity (Repealed)
900.65 Organic Chemicals (Repealed)
900.70 Microbiological (Repealed)
900.80 Public Notification (Repealed)
900.90 Record Maintenance and Reporting (Repealed)
900.100 Variances and Exemptions (Repealed)

900.TABLE A Sources of Pollution in Location to Wells and/or Finished Water Storage Facilities
900.TABLE B Design Capacity for a Non/Community Public Water System
900.TABLE C Pressure Factors
900.TABLE D Coliform Sampling Frequency According to Population Served (Repealed)
900.TABLE E Lead and Copper Sampling Frequency-Requirements for First Year of Sampling (Repealed)
900.TABLE F Lead and Copper Sampling Frequency-Requirements After First Year of Sampling (Repealed)
900.TABLE G Water Quality Sampling Requirements (Repealed)
900.TABLE H Water Quality Sampling Requirements-Reduced Sampling (Repealed)
900.TABLE I Table of Factors to be Used in Saturation Index Calculations (Repealed)
900.EXHIBIT A Values of A Based Upon Total Solids (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

900.EXHIBIT B	Values of B Based Upon Water Temperature (Repealed)
900.EXHIBIT C	Values of C Based Upon Calcium Hardness Expressed as $CaCO_3$ (Repealed)
900.EXHIBIT D	Values of D Based Upon Alkalinity Expressed as $CaCO_3$ (Repealed)

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55].

SOURCE: Adopted at 6 Ill. Reg. 2215, effective February 3, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 3301, effective March 2, 1984; amended at 9 Ill. Reg. 9139, effective June 3, 1985; amended at 13 Ill. Reg. 12578, effective August 1, 1989; amended at 14 Ill. Reg. 14844, effective September 1, 1990; amended at 17 Ill. Reg. 4388, effective March 23, 1993; amended at 19 Ill. Reg. 7217, effective May 31, 1995; emergency amendment at 20 Ill. Reg. 3968, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9997, effective July 22, 1996; amended at 23 Ill. Reg. 11707, effective September 1, 1999; amended at 44 Ill. Reg. 15785, effective September 1, 2020.

Section 900.10 Definitions

"Applicant" means any person making application for a permit to construct or alter a public water system.

"Cistern" means a source of water supply developed by intercepting rainfall with roof surfaces.

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

"CT" means the product of the chlorine residual and chlorine contact time at the point of treatment required for 99.9 percent or 3-log inactivation of Giardia lamblia cysts.

"Department" means the Illinois Department of Public Health.

"Filtration" means a process for removing particulate matter from water by passing through porous media.

"Groundwater Under the Influence" means surface water or water obtained from a

well or a collector that~~which~~ is not in compliance with the Illinois Water Well Construction Code.

"Illinois Environmental Protection Act" means 415 ILCS 5.

"Illinois Water Well Construction Code means 415 ILCS 30. The rules implementing this statute are at 77 Ill. Adm. Code 920 (Water Well Construction Code).

"Maximum Contaminant Level" or "MCL" means the maximum permissible level of contaminant in water that~~which~~ is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity, in which~~where~~ the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user are excluded from this definition.

"Monitoring Assessment" means an assessment conducted in response to a monitoring violation to:

determine the cause of the monitoring violation;

require systems to collect replacement samples for any missed routine, repeat, additional routine or clearance sample; and

prevent monitoring violations from occurring in the future.

"Non-Transient Non-Community System" means a non-community water system that~~which~~ regularly serves the same 25 or more persons at least 6 months a year.

"On-site Assessment" means an assessment of the water system that is conducted by the Department, or by a third party approved by the Department, to evaluate minimum elements that include:

review and identification of inadequacies in sample sites; sampling protocol;

sample processing;

atypical events that could affect distributed water quality or indicate that

distributed water quality was impaired;

changes in distribution system maintenance and operation that could affect distributed water quality (including water storage);

source and treatment considerations that bear on distributed water quality, when appropriate (e.g., small ground water systems); and

existing water quality monitoring data.

The assessment must be consistent with assessment elements regarding the size and type of the system and the size, type and characteristics of the distribution system.

"Operating Season" means a defined time period during the year when a water system is providing water to the public.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois or any political subdivision or department thereof, or any other entity.

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action that~~which~~:

is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site;~~ or~~

is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris;~~ or~~

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances. ~~(Section 3.59 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.59)~~ [415 ILCS 5/3.59]~~)~~

"Potential Route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel. ~~(Section 3.58 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.58)~~ [415 ILCS 5/3.58]~~)~~

"Potential Secondary Source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, that~~which~~:

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris;~~ or~~

stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances;~~ or~~

stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof that~~which~~ is not otherwise specifically listed or designated as a hazardous substance;~~ or~~

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the ~~"~~Private Sewage Disposal Licensing Act~~" (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 116.301) [225 ILCS 225]~~. ~~(Section 3.60 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.60)~~ [415 ILCS 5/3.60]~~)~~

"Public Water System" or "PWS" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service

connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term public water system~~Public Water System~~ includes any collection, treatment, storage and distribution facilities under control of the operator of the~~such~~ system and used primarily in connection with that~~such~~ system and any collection or pretreatment storage facilities not under the operator's~~such~~ control that~~which~~ are used primarily in connection with the~~such~~ system.

"Community Water System" means a public water system that~~which~~ serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

"Non-Community Water System" means a public water system that is not a community water system and~~,~~ that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year, and shall include vending machines.

"Sanitary Survey" means an on-site inspection of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating their adequacy for producing and distributing safe drinking water.

"Seasonal System" means a non-community water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Slow Sand Filtration" means a process involving passage of raw water through a bed of sand at low velocity resulting in substantial particulate removal by physical and biological mechanisms.

"State" means the State of Illinois, Illinois Department of Public Health or the Illinois Environmental Protection Agency, as appropriate.

"Surface Water" means all water that~~which~~ is open to the atmosphere and subject to surface runoff.

"Supplier of Water" or "Supplier" means any person who owns or operates a public

water system.

"Vending Machine" means a device thatwhich provides treatment and/or dispenses a specific amount of water after money has been inserted into the device or after the water has been purchased.

"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a non-community public water system.

"Water Well Construction Code" means the DPH rules at 77 Ill. Adm. Code 920. The underlying statute for these rules is 415 ILCS 30 (Illinois Water Well Construction Code).

(Source: Amended at 44 Ill. Reg. 15785, effective September 1, 2020)

Section 900.15 Incorporated and Referenced Materials

a) The following State statutes are referenced in this Part:

1) Illinois Environmental Protection Act [415 ILCS 5]

2) Illinois Water Well Construction Code [415 ILCS 30]

3) Private Sewage Disposal Licensing Act [225 ILCS 225]

b)a) The following State regulations are referenced in this Part:

1) Department of Public Health Rulesrules

A) Certification and Operation of Environmental Laboratories (7735 Ill. Adm. Code 465183.105)

B) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

C) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

D) Surface Source Water Treatment Code (77 Ill. Adm. Code 930)

E) Illinois Plumbing Code (77 Ill. Adm. Code 890)

2) Illinois Pollution Control Board Rules

~~A)~~Primary Drinking Water Standards (35 Ill. Adm. Code 611)~~Operation and Recordkeeping (35 Ill. Adm. Code 607)~~
For purposes of compliance with this Part, all references to the "Agency" and "Board" shall be replaced by the "Illinois Department of Public Health" or "~~(~~Department"~~)~~ for regulation of non-community water supplies (NCWS).

3) Illinois Environmental Protection Agency Rules

Accreditation of Laboratories for Drinking Water, Wastewater, and Hazardous Waste Analysis (35 Ill. Adm. Code 186)

c)~~b)~~ The following standard is incorporated in this Part: "Recommended Standards for Water Works" − Great Lakes Upper Mississippi River Board of State Sanitary Engineers − Ten States' Standards ~~–~~(2012~~1982~~ Edition)~~, and~~ published by:

Health Education Service
P.O. Box 7283
Albany, New York 12224

d)~~c)~~ All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

e)~~d)~~ All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 525 West Jefferson − Third Floor, Springfield, Illinois 62761.

(Source: Amended at 44 Ill. Reg. 15785, effective September 1, 2020)

Section 900.20 General Requirements

a) Coverage. This Part shall apply to all non-community public water systems.

b) Exception. This Part shall not apply to a public water system that~~which~~ meets all of the following conditions:

1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);~~.~~

2) Obtains all of its water from, but is not owned or operated by, a public water system subject to the requirements of 77 Ill. Adm. Code 900 and 35 Ill. Adm. Code 611~~to which such regulations apply;~~.

3) Does not sell water to any person; and~~.~~

4) Is not a carrier that~~which~~ conveys passengers in interstate commerce.

c) Consecutive Systems. When a public water system supplies water to one or more other public water systems, the Department shall modify the monitoring requirements if one sampling point can be shown to be representative of the water supply and the supply can be shown to have a contamination free sampling history to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modification in monitoring shall be approved in writing by the Department, with concurrence by U.S. Environmental Protection Agency.

d) Permit to Construct. A permit to construct a non-community public water system must be obtained from the Department prior to construction. When~~Where~~ a water well is to be constructed, altered or extended, a permit fee, which is established in Section 920.130 of the ~~Illinois~~ Water Well Construction Code, shall be required for the water well.

e) Permit to Alter or Extend. A permit for any major alteration of, or extension to, a non-community public water system must be obtained from the Department prior to construction.

f) Plans. All applications for a permit to construct, alter or extend a non-community public water system must be accompanied by plans and specifications. The plans and specifications must indicate all sources of contamination, the layout and design of the system and all associated equipment which will indicate compliance with this Part as stated in Section 900.40.

g) Major Alterations or Extensions. Major alterations or extensions shall include, but not be limited to, the following:

1) Change in source of water supply.

2) Construction of additional sources of water supply.

3) Provision of any new treatment to the system.

4) Changes in system capacity.

5) Increase in the water well depth.

h) Notification of Completion. Upon completion of any construction for which a permit has been issued, the owner shall notify the Department.

i) System Disinfection. All components of new non-community public water system construction, alteration, or expansion shall be disinfected with a strong chlorine solution; and satisfactory bacteriological sample results, in compliance with this Part, shall be obtained prior to placing the components into service.

j) Certified Laboratory. All samples requiring laboratory analysis shall be analyzed only by a laboratory that~~which~~ has been certified for the analysis in question, except that turbidity analyses may be conducted by anyone approved by the Department. The certification shall be made by the Department, in accordance with Certification and Operation of Environmental Laboratories~~ (77 Ill. Adm. Code 465)~~, or the Illinois Environmental Protection Agency, in accordance with Accreditation of Laboratories for Drinking Water, Wastewater, and Hazardous Waste Analysis~~ (35 Ill. Adm. Code 186)~~. The results from any analysis not conducted in accordance with this subsection~~the above~~ shall not be considered valid for purposes of this Part.

k) The following State regulations shall apply to all non-community public water supplies:~~1)35 Ill. Adm. Code 607, Operation and Recordkeeping. 2)~~ 35 Ill. Adm. Code 611, Primary Drinking Water Standards, excluding Sections 611.1054 and 611.1058 through 611.1061.

(Source: Amended at 44 Ill. Reg. 15785, effective September 1, 2020)

Section 900.35 Revised Total Coliform Rule for Non-Community Public Water Systems

a) Sanitary Surveys

1) A biennial sanitary survey shall be obtained by all non-community public water systems that are not recreational facilities licensed by the Department.

2) All non-community public water supplies licensed by the Department as recreational facilities shall obtain an annual sanitary survey.

3) Special Monitoring Evaluation

A) To determine whether the system is on an appropriate monitoring schedule, the Department will perform a special monitoring evaluation during each sanitary survey. After the Department has performed the special monitoring evaluation, it may modify the system's monitoring schedule.

B) For seasonal systems on quarterly or annual monitoring, the special monitoring evaluation will include review of the approved sample siting plan, which must designate the time period or periods for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination).

b) Monitoring

1) Routine Monitoring

A) A non-community water system supplier using only groundwater, excluding groundwater under the direct influence of surface water, as defined in 35 Ill. Adm. Code 611.102, and serving 1,000 persons or fewer must conduct the following total coliform and E.coli monitoring:

i) Quarterly Monitoring. The supplier must monitor each calendar quarter that the system provides water to the public.

ii) Reduced Monitoring. The Department may reduce the quarterly monitoring frequency to not less than annually, if the most recent sanitary survey shows that the system is free of sanitary defects, has a protected water source and the wells conform to the requirements of the Water Well Construction Code.

B) Non-community water systems that do not meet the requirements of subsection (b)(1)(A) are subject to the monitoring requirements of 35 Ill Adm. Code 611.1056 and 611.1057 except vending machines classified as non-community water systems, which must comply with (b)(1)(A).

C) Monitoring after E. coli Violations

i) A water system that incurs an E. coli violation, as specified in subsection (h)(1), shall be placed on monthly monitoring for a minimum of one year beginning in the next month in which the supplier provides water to the public, unless the cause of the violation has been definitely determined by the Department and corrected prior to water being served to the public.

ii) When the cause of the violation has not been definitely determined by the Department and corrected, monitoring must be conducted during the most vulnerable times each month for the next 12 months following an E. coli MCL violation. If any sample result (routine, repeat, additional routine, or clearance sample) is Total Coliform Positive within 12 months following the MCL violation, the system must collect monthly samples for a minimum of 12 consecutive months. Monthly monitoring must begin in the next month in which the supplier provides water to the public.

iii) After 12 consecutive months of monitoring, the Department may allow the water system to return to quarterly monitoring in accordance with subsection (b)(1)(A) if the

water system meets the criteria specified in subsection (b)(1)(E).

D) A water system that incurs a coliform treatment technique violation, as specified in subsection (h)(2), shall be placed on monthly monitoring for a minimum of one year beginning in the next month in which the supplier provides water to the public. After 12 consecutive months of monitoring, the Department may allow the water system to return to quarterly monitoring in accordance with subsection (b)(1)(A).

E) A supplier may return to quarterly monitoring after being triggered to monthly monitoring under subsection (b)(1)(C), once all of the following criteria are met:

i) The system is free of sanitary defects, has a protected source, and the wells conform to the requirements of the Water Well Construction Code;

ii) The on-site assessment and all corrective actions specified by the Department have been completed;

iii) The system has conducted any increased monitoring required by the Department; and

iv) The system is in compliance with cross-connection requirements in Section 900.40(l).

2) Repeat Monitoring

A) If a sample taken under subsection (b)(1) or (b)(4) is total coliform-positive, the supplier must collect a set of repeat samples within 24 hours after being notified of the positive result. The supplier must collect no fewer than three repeat samples for each total coliform-positive sample found. The Department will extend the 24- hour limit if the supplier has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. The Department will not waive the requirement for a

supplier to collect the repeat samples described in subsections (b)(2)(A) through (C).

B) The supplier must collect all repeat samples on the same day, except the Department will allow a supplier with a single service connection to collect the required set of repeat samples over a three-day period or to collect a larger volume of repeat samples in one or more sample containers of any size, as long as the total volume collected is at least 300 milliliters.

C) The supplier must collect an additional set of repeat samples in the manner specified in subsections (b)(2)(A) through (C) if one or more repeat samples in the current set of repeat samples is total coliform-positive. The supplier must collect the additional set of repeat samples within 24 hours after being notified of the positive result, unless the Department extends the limit as provided in subsection (b)(2)(A). The supplier must continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or the supplier determines that a coliform treatment technique trigger specified in subsection (d) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the Department. If a trigger identified in subsection (d) is exceeded as a result of a routine sample being total coliform-positive, the supplier is required to conduct only one round of repeat monitoring for each total coliform-positive routine sample.

D) After a supplier collects a routine sample and before it learns the results of the analysis of that sample, if the supplier collects another routine sample from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the supplier may count the subsequent sample as a repeat sample instead of as a routine sample.

E) Results of all routine and repeat samples taken under subsection (b) not invalidated by the Department must be used to determine whether a coliform treatment technique trigger specified in subsection (d) has been exceeded.

3) Escherichia coli (E. coli) Testing

A) If any routine or repeat sample is total coliform-positive, the supplier's certified laboratory must analyze that total coliform-positive culture medium to determine if E. coli are present. If E. coli are present, the supplier must notify the Department by the end of the day when the supplier is notified of the test result. If the supplier is notified of the result after the Department office is closed and the Department does not have either an after-hours phone line or an alternative notification procedure, the supplier must notify the Department before the end of the next business day.

B) The Department will allow a supplier to forego E. coli testing on a total coliform-positive sample if that supplier assumes that the total coliform-positive sample is E. coli-positive. Accordingly, the supplier must notify the Department as specified in subsection (b)(3)(A) and must notify the public in accordance with 35 Ill. Adm. Code 611.Subpart V.

4) Additional Routine Monitoring the Month Following a Total Coliform-Positive Sample

A) Except as provided in subsection (b)(4)(D), a supplier conducting monitoring pursuant to subsection (b)(1)(A) must collect at least three routine samples during the month following a total coliform-positive sample.

B) The supplier shall either collect samples at regular time intervals throughout the month or shall collect all required routine samples on a single day if samples are taken from different sites.

C) The supplier must use the results of additional routine samples in coliform treatment technique trigger calculations under subsection (d).

D) Waiver. Except as provided in subsection (b)(4)(F), the Department will waive the requirement to collect three routine

samples the next month in which the supplier provides water to the public if:

i) The Department performs a site visit before the end of the next month in which the supplier provides water to the public. Although a sanitary survey is not required, the site visit must be sufficiently detailed to allow the Department to determine whether additional monitoring or any corrective action is needed;

ii) The Department determines why the sample was total coliform-positive and establishes that the supplier has corrected the problem or will correct the problem before the end of the next month in which the supplier serves water to the public; or

iii) The Department determines that the supplier has corrected the contamination problem before the supplier takes the set of repeat samples required in subsection (b)(2) and all repeat samples were total coliform-negative.

E) The Department must document any decision to waive the additional monitoring requirements in writing, have it approved and signed by the supervisor of the Department official who recommends that decision, and make this document available to USEPA and the public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the supplier has taken or will take to correct this problem.

F) Any supplier that fails to collect all required repeat samples following any total coliform-positive sample must collect three routine samples the next month in which the supplier provides water to the public.

5) Sample Siting Plans. A supplier must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system. These plans are subject to Department review and revision. The supplier must collect total coliform samples according to the sample siting plan. Routine and

repeat sample sites and any raw water sampling sites necessary to conduct triggered source water monitoring must be reflected in the sampling plan.

c) All seasonal non-community public water system suppliers must demonstrate completion of a Department-approved start-up procedure, which shall include a requirement for startup sampling to demonstrate coliform bacteria is not present prior to serving water to the public. This demonstration must be certified by the supplier on a form provided by the Department and submitted to the Department prior to serving water to the public. This requirement may be waived for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating. In addition to the start-up sampling, seasonal systems must have an approved sample siting plan that designates the time period for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). Seasonal suppliers must collect compliance samples during this time period.

d) Coliform Treatment Technique Triggers. A supplier must conduct assessments in accordance with subsection (e) after exceeding treatment technique triggers in subsection (d)(1) or (d)(2).

1) Monitoring Assessment Triggers

A) The supplier fails to take a routine sample as required in subsection (b)(1)(A).

B) The supplier fails to take every required repeat sample after any single total coliform-positive sample, as required in subsection (b)(2).

C) The supplier fails to take additional routine monitoring samples as required in subsection (b)(4).

2) On-site Assessment Triggers

A) An E. coli MCL violation, as specified in subsection (h)(1).

B) A system has two or more total coliform-positive samples in the same month.

e) Requirements for Assessments

1) A supplier must ensure that monitoring assessments are conducted in order to identify the cause of the monitoring violation and to institute procedures to prevent future monitoring violations.

2) A supplier must ensure that on-site assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. On-site assessments must be conducted by the Department or parties approved by the Department.

3) When conducting on-site assessments, the supplier must ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data. The supplier must conduct the assessment consistent with specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

4) Monitoring Assessments. A supplier shall obtain a monitoring assessment if the water system exceeds one of the treatment technique triggers in subsection (d)(1).

A) The supplier must complete a monitoring assessment as soon as practical after any trigger in subsection (d)(1). In the completed assessment form, the supplier must describe corrective actions completed, and a proposed timetable for any corrective actions not already completed. The supplier must submit the completed monitoring assessment form to the Department within 30 days after the supplier learns that it has exceeded a trigger.

B) If the Department reviews the completed monitoring assessment and determines that the assessment is not sufficient (including any

proposed timetable for any corrective actions not already completed), the Department must consult with the supplier. If the Department requires revisions after consultation, the supplier must submit a revised assessment form to the Department on an agreed-upon schedule not to exceed 30 days after the date of the consultation.

C) Upon completion and submission of the assessment form by the supplier, the Department must determine if the supplier has identified a likely cause for the monitoring assessment trigger and, if so, establish that the supplier has corrected the problem, or has included a schedule acceptable to the Department for correcting the problem.

D) Monitoring assessments must include submittal of replacement samples for all missed samples that caused a monitoring assessment trigger to be exceeded.

E) Monitoring Assessments do not require an on-site visit and may be conducted by telephone or electronic correspondence.

5) On-site Assessments. A supplier shall obtain an on-site assessment if the water system exceeds one of the treatment technique triggers in subsection (d)(2). The supplier must comply with any expedited actions or additional actions required by the Department in the case of an E. coli MCL violation.

A) The supplier must ensure that an on-site assessment is completed by the Department or by a third party approved by the Department as soon as practical after any trigger in subsection (d)(2). The supplier must submit a completed on-site assessment form to the Department within 30 days after the supplier learns that it has exceeded a trigger. The assessment form must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified.

B) If the Department reviews the completed on-site assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Department must consult with the supplier. If the Department requires revisions after consultation, the supplier must submit a revised assessment form to the Department on an agreed-upon schedule not to exceed 30 days.

C) Upon completion and submission of the assessment form by the supplier, the Department must determine if a definitive cause for the on-site trigger has been identified and determine whether the supplier has corrected the problem or has included a schedule acceptable to the Department for correcting the problem.

D) On-site assessments must include clearance samples and submittal of replacement samples for all missed routine, repeat and additional routine samples.

f) Corrective Action. A supplier must correct sanitary defects found through either monitoring or on-site assessments conducted under subsection (e). For corrections not completed by the time of submission of the assessment form, the supplier must complete the corrective actions in compliance with a timetable approved by the Department in consultation with the supplier. The supplier must notify the Department when each scheduled corrective action is completed.

g) Consultation. At any time during the assessment or corrective action phase, either the supplier or the Department may request a consultation with the other party to determine the appropriate actions to be taken. The supplier may consult with the Department on all relevant information that may impact on its ability to comply with a requirement of this Section, including the method of accomplishment, an appropriate timeframe, and other relevant information.

h) Violations

1) E. coli MCL Violations. A supplier is in violation of the MCL for E. coli when any of the conditions identified in this subsection (h)(1) occur.

A) The supplier has an E. coli-positive repeat sample following a total coliform-positive routine sample.

B) The supplier has a total coliform-positive repeat sample following an E. coli-positive routine sample.

C) The supplier fails to take all required repeat samples following an E. coli-positive routine sample.

D) The supplier fails to test for E. coli when any repeat sample tests positive for total coliform.

2) Treatment Technique Violation

A) A treatment technique violation occurs when a supplier exceeds a treatment technique trigger specified in subsection (d) and then fails to complete the required assessment or corrective actions, including the collection of all required samples in accordance with subsections (d)(1) and (d)(2), within the timeframe specified in subsections (e) and (f).

B) A treatment technique violation occurs when a seasonal supplier fails to complete a Department-approved start-up procedure prior to serving water to the public.

3) Monitoring Violations

A) Failure to take every required routine or additional routine sample in a compliance period is a monitoring violation.

B) Failure to analyze for E. coli following a total coliform-positive routine sample is a monitoring violation.

4) Reporting Violations

A) Failure to submit a monitoring report or completed assessment form after a supplier properly conducts monitoring or assessment in a timely manner is a reporting violation.

B) Failure to notify the Department following an E. coli-positive sample as required by subsection (b)(3)(A) in a timely manner is a reporting violation.

C) Failure to submit certification of completion of Department-approved start-up procedure by a seasonal supplier is a reporting violation.

i) Reporting

1) E. coli

A) A supplier must notify the Department by the end of the day when the system learns of an E. coli MCL violation. If the supplier learns of the violation after the Department office is closed and the Department does not have either an after-hours phone line or an alternative notification procedure, the supplier must notify the Department before the end of the next business day. The supplier must also notify the public in accordance with 35 Ill. Adm. Code 611.Subpart V.

B) A supplier must notify the Department by the end of the day when the supplier is notified of an E. coli-positive routine sample. If the supplier is notified of the result after the Department office is closed and the Department does not have either an after-hours phone line or an alternative notification procedure, the supplier must notify the Department before the end of the next business day.

2) A supplier that has violated the treatment technique for coliforms in subsections (e) and (f) must report the violation to the Department no later than the end of the next business day after it learns of the violation and must notify the public in accordance with 35 Ill. Adm. Code 611.Subpart V.

3) A supplier required to conduct an assessment under subsection (e) must submit the assessment report within 30 days. The supplier must notify the Department in accordance with subsection (f) when each scheduled

corrective action is completed for corrections not completed by the time of submission of the assessment form.

4) A supplier that has failed to comply with a coliform monitoring requirement must report the monitoring violation to the Department within 10 days after the supplier discovers the violation and must notify the public in accordance with 35 Ill. Adm. Code 611.Subpart V.

5) A seasonal supplier must certify, prior to serving water to the public, that it has complied with the Department-approved start-up procedure.

j) Recordkeeping

1) The supplier must maintain all assessment forms, and documentation of corrective actions completed as a result of those assessments, or other available summary documentation of the sanitary defects and corrective actions taken under subsections (e) and (f) for Department review. This record must be maintained by the supplier for a period not less than five years after completion of the assessment or corrective action.

2) The supplier must maintain a record of any repeat sample taken that meets Department criteria for an extension of the 24-hour period for collecting repeat samples as provided for under subsection (b)(2)(A).

(Source: Added at 44 Ill. Reg. 15785, effective September 1, 2020)

Section 900.40 Water System Design

a) Siting Requirements. Construction, alteration or expansion of a public water system shall be accomplished so as to:

1) Avoid locating any or all of the facility at a site that~~which~~ is subject to undue risk from earthquakes, floods, or other disasters.

2) Except for the intake structures, avoid locating any or all of the facility within the floodplain of a 100-year flood.

3) Sources of pollution shall be located no closer to wells and finished water storage facilities than indicated in Table~~TABLE~~ A. Beginning January 1,

1988, no new non-community water system well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless specifically allowed in Table~~TABLE~~ A. When~~Where~~ the owner of a potable well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department may allow a variance to the minimum separation distances required in this Part provided the owner complies with the variance provisions of Section 920.30(c) of the ~~Illinois~~ Water Well Construction Code.

b) Existing Water System. The sanitary quality of an existing water system shall be determined by a survey of facilities and laboratory analyses of water samples. Defects in facilities or contamination shown present by laboratory analyses~~,~~ shall be considered sufficient grounds for requiring repairs, chlorination or other treatment, or termination of the use of the system. All repairs, modifications, and alterations to existing wells and pump equipment shall be in accordance with the ~~Illinois~~ Water Well Construction Code ~~(77 Ill. Adm. Code 920)~~, the Illinois Plumbing Code ~~(77 Ill. Adm. Code 890)~~, and the Illinois Water Well Pump Installation Code ~~(77 Ill. Adm. Code 925)~~. Treatment will not be considered ~~as~~ a substitute for location and construction in accordance with the ~~Illinois~~ Water Well Construction Code. Wells terminating in pits shall not be allowed. Existing pits shall be eliminated and the floor or one wall of the pit shall be broken or removed, the pit shall be filled with compacted earth, and the casing shall be extended to terminate 8 inches above grade.

c) New Well Construction. All new wells shall be constructed in accordance with the ~~Illinois~~ Water Well Construction Code.

d) New Pumping Equipment. All new well pumps shall be installed in conformance with the Illinois Water Well Pump Installation Code.

e) Surface Water. Gravity filtration and disinfection shall be provided as the minimum treatment facilities for all supplies obtained from ponds, lakes, streams, rivers, groundwater under the influence of surface water, and other surface collectors of water. Surface water supply treatment facilities shall be designed, constructed, operated, and maintained as described in the Surface Source Water Treatment Code ~~(77 Ill. Adm. Code 930)~~ or in accordance with the Ten States' Standards~~"Recommended Standards for Water Works - Great Lakes Upper Mississippi River Board of State Sanitary Engineers" ("Ten States' Standards")~~.

Where average turbidity, based upon 30 daily samples, of the source exceeds 50 nephelometric turbidity units, complete treatment must be provided in accordance with "the Ten States' Standards." All systems thatwhich use surface water, in whole or in part shall be operated by personnel whowhich have taken a water treatment course approved by the Department, and have received a certificate or other evidence that the course has been completed satisfactorily, (such as a letter from the school), or shall be operated by personnel thatwhich have received certification fromby the Illinois Environmental Protection Agency as a Class A or Class B public water supply operator. The Department will approve asuch course ifprovided the course is given by an accredited college or university, the course is at least equivalent to .7 continuing education units, and the course addresses water filtration, disinfection, water supply, and the measurement of disinfectant residual and turbidity. The Department willshall make available a list of such approved courses upon request.

f) Springs. Spring water supplies shall not be allowed except where it is impossible to develop a well thatwhich meets the water quality and capacity standards of this Part. Where springs are used for potable water, they shall be protected from entry of surface water, shall be housed in a permanent structure, and chlorinated in accordance with subsectionSection 900.40 (n). Spring water supplies located in an area with sink-holes or outcropping rock, with a history of periodic discolored discharge, or subject to fecal contamination, as demonstrated by laboratory analysis, shall not be approved unless provided with treatment consistent with that required for surface water.

g) Cisterns. Cisterns shall not be used for public water supply except where groundwater resources will not produce the quantity of water needed for the population to be served. Cistern water shall receive treatment consistent with that required for surface water (see subsection See Section 900.40(e)).

h) Design Capacity. The design capacity for a non-community public water system shall be determined based on the estimated peak demand or the average daily consumption rate obtained from TableTABLE B.

i) Hydropneumatic Storage. The minimum requirements for designing a hydropneumatic storage system are as follows:

1) Well and Pump Sizing. The capacity of the wellswell(s) and pumpspump(s) in a hydropneumatic system shall be at least eight times

the average daily consumption rate or shall be sufficient to meet the estimated peak demand, whichever is greater. (Calculate the average daily consumption rate from Table~~TABLE~~ B). If it can be shown that a specified amount of water is more appropriate, or if the Department can be shown that the storage requirements are excessive, the Department will permit other sizing alternatives dependent upon~~ such things as~~, but not limited to, water demand at the facility in question or water usage reports from a similar facility.

2) Pressure Tank Sizing. The minimum capacity of the pressure storage tank shall be calculated by the following formula:

$$Q = Qm(3)/Pf$$

Where:

QM = Pump capacity (g.p.m.)

Pf = Pressure factor obtained from TABLE C.

3) Precharged Pressure Tanks. The capacity of a precharge pressure storage tank shall be calculated by the following formula:

$$Qp = 1.50m/Pf$$

Where:

Qp = Precharged pressure tank volume, gal.

4) Existing Hydropneumatic Storage. An existing undersized pressure storage system may be allowed provided a history of adequate water supply exists. Major alterations shall comply with all requirements of subsection ~~Section 900.40~~(i).

j) Storage Reservoir. All nonpressure underground reservoirs shall be constructed of permanently watertight material and shall be provided with a watertight insect-proof cover. Examples of permanently watertight materials are steel, plastic, concrete or fiberglass. On new water system installations, all nonpressure storage reservoirs in or on the ground shall be located in such a manner that surface water

will flow away from the structure. When the bottom of any such reservoir is located below the ground surface, the reservoir shall be located with respect to sources of pollution as outlined in Table~~TABLE~~ A. Where manholes are necessary, they shall have a raised curb and be provided with a cover of the overhanging type. Vents and openings shall be insect-proof and shall be installed so there is no hazard to the sanitary quality of the water supply. Piping shall enter the reservoir through the top of underground tanks or through the exposed vertical extension of the manhole opening. Points of entry must be sealed in a watertight manner. No suction lines may enter the reservoir underground unless protected by an external pipe enclosure maintained at system pressure.

k) Water Distribution Lines. The system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times. Water pipe shall conform to applicable specifications and standards of the Illinois Plumbing Code~~ (77 Ill. Adm. Code 890)~~ for the type of pipe to be used. The following shall govern the separation of water lines from possible sources of pollution:

1) Whenever possible, a water line shall be laid at least 10 feet horizontally from any existing or proposed sewer line.

2) Whenever water lines must cross sewers, the water line shall be laid at such an elevation that the bottom of the water line is 18 inches above the top of the sewer. This vertical separation shall be maintained for that portion of the water line located within 10 feet horizontally of any sewer or drain it crosses, with the~~said~~ 10 feet to be measured as the normal distance from the water line to the drain or sewer. The sewer shall be constructed of cast iron pipe, type K copper, or Drain, Waste and Vent (DWV) plastic pipe (Schedule 40) with water-tight joints for a distance of 10 feet from each side of the water line. All crossings shall be made at right angles.

3) Where conditions prevent the minimum horizontal and/or vertical separation specified in subsections (k)(1) and (2)~~above~~, special consultation shall be obtained from the Department to determine other routes of water piping. In all cases, construction shall meet the applicable provisions of Section 1150 of the Illinois Plumbing Code.

4) No water line shall pass through, or come into contact with, any part of a sewer manhole.

5) There shall be no physical connection between a community water system and a non-community or private water system, unless the non-community or private water system is in compliance with cross-connection requirements in subsection (l)~~conforms to community water system requirements, as specified by the Illinois Pollution Control Board's Public Water Supplies (35 Ill. Adm. Code 607.104)~~.

6) Lines for potable water shall be laid at least 25 feet horizontally from any underground sewage seepage field.

1) Plumbing Fixture Backflow Protection. The water supply lines shall have no physical connection with nonpotable water supplies. All plumbing shall be in accord with the Illinois Plumbing Code~~ available from this Department~~. All plumbing fixtures and other equipment connected to the water system shall be~~ so~~ constructed and installed~~ so as~~ to safeguard the water system from the possibility of contamination through cross-connections or backsiphonage. Laundry units and equipment shall be so constructed and installed~~ so as~~ to prevent the contamination of the contents by the backflow of sewage. When required by the Illinois Plumbing Code~~ (77 Ill. Adm. Code 890)~~, the fixture or appliance shall be connected indirectly with the drainage system by means of an open, funnel-type fitting with a suitable air gap.

m) Drinking Fountains. All outlets established for the provision of drinking water shall consist of drinking fountains in accordance with requirements contained in the Illinois Plumbing Code, or a supply of single service drinking cups shall be provided. Common drinking cups are prohibited.

n) Disinfection. Disinfection may be accomplished with calcium or sodium hypochlorites or gas chlorine. Other disinfecting agents will be considered, providing reliable application equipment is available, and testing procedures for residual are recognized in "Standard Methods for the Examination of Water and Wastewater". Proposals for use of disinfecting agents must be approved by the Department prior to preparation of final plans and specifications. Approval will be given only when the information shows that the chemical to be used as a disinfecting agent will not jeopardize the health of the user and that the chemical will eliminate bacteria from the water supply. Disinfection is required at all surface, spring, and cistern water supplies; and at any groundwater supplies that~~which~~ are of questionable sanitary quality or where any treatment that~~which~~

exposes the water to the atmosphere is provided. Disinfection shall not be a substitute for proper well location and construction.

1) Chlorination Equipment. The chlorinator shall be designed to provide a free chlorine residual of at least 2~~two~~ milligrams per liter in the water after contact time of at least 30 minutes at maximum flow rates. The equipment shall be of such design that it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.

2) Contact Time and Point of Application. Chlorine shall be applied at a point that~~which~~ will provide the maximum contact time. At facilities treating surface water, chlorine shall be applied to the water after filtration. At facilities chlorinating groundwater, provisions should be made for applying chlorine to the detention basin inlet. When~~Where~~ chlorination is required, minimum free chlorine residual at distant points in a water distribution system shall be at least 0.1 milligram per liter, except that systems utilizing surface water as a source~~,~~ shall have a minimum free chlorine residual of 0.2 mg/l maintained at all distant points in the distribution system and a minimum free chlorine residual of 0.4 mg/l shall maintained in the water storage tank. Those systems utilizing surface water as a source and groundwater under the influence of surface water shall be designed in accordance with the Surface Water Treatment Code~~ (77 Ill. Adm. Code 930),~~ and shall meet disinfection requirements and CT values of 40 CFR 141~~ and 142 (1990)~~.

3) Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residual shall be provided and should be capable of measuring residuals to the nearest 0.1 mg/1 in the range below 0.5 mg/1, to the nearest 0.3 mg./1 between 0.5 and 1.0 mg/1, and to the nearest 0.5 mg/1 between 1.0 mg/1 and 2.0 mg/1. Systems utilizing surface water as a source shall test the chlorine residual in the distribution system daily and keep a record of the results. Whenever the chlorine residual falls below the values specified in subsection (n)(2)~~ above~~, the supplier of water shall notify the Department as soon as possible but no later than the end of the next business day.

4) Hypochlorinator. Positive displacement pumps shall be provided to inject

hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The hypochlorinator shall be interlocked with the pump so that both will start and stop together.

5) Gas Chlorinators~~.~~

A) The chlorine supply and gas feeding equipment shall be in a separate, air-tight room. The room shall be provided with an exhaust system that~~which~~ takes its suction not more than 8 inches from the floor and discharges out-of-doors 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 shall be provided through appropriate openings, such as filters, grill openings, etc., at a high point opposite the exhaust fan intake. The room shall have a window at least 18 inches square and artificial illumination so that the chlorinator equipment is visible from the operating area outside the room. Electrical switches for lighting and ventilation shall be outside the room and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided and should have the platform at floor level.

B) All chlorine cylinders, both full and empty, shall be anchored to prevent their falling over.

C) The chlorine feeding device shall be designed so that, during interruptions of the flow of the water supply, gas feed is automatically terminated. Chlorinator vent lines shall terminate out-of-doors.

D) The gas feed equipment shall be 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. The release of chlorine shall be automatically terminated when the pump is shut off. The water supply line to the chlorine injector shall be equipped with an electric shut-off valve interlocked with the pump and shall be equipped with a suitable backflow preventer.

F) Gas chlorinators shall be repaired and operated only in accordance with the manufacturer's directions. The owner/operator shall determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency and have the telephone number of emergency personnel conspicuously posted within view of operating personnel.

6) General. The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply by sources of questionable water that~~which~~ may be contaminated. Housing must be provided for the chlorination equipment and for storing the chlorine.

o) Hauled Water. When it is necessary to use hauled water as a source of public supply, the water shall be obtained only from a regulated public water system.

1) Transport Equipment. Equipment used for hauling water, including tank trucks or trailers, hoses, etc., shall be used only for handling potable water. In an emergency, equipment used for handling other potable materials, such as milk, syrup, etc., may be used after cleaning and disinfection with not less than 100 ppm of free chlorine.

2) Storage Facilities. Equipment used for the storage of hauled water shall be used only for that purpose and shall be constructed in accordance with subsection ~~Section 900.40~~(j). A minimum free chlorine residual of 0.4 mg/l shall be maintained in the water storage tank.

p) Vending Machines. Vending machines that~~which~~ serve water to the public shall meet the following conditions:

1) The source of water to a vending machine shall be obtained from a community water system or a supply that~~which~~ meets the construction and location requirements of this Part.

2) A dual check backflow device approved in accordance with the Illinois Plumbing Code~~ (77 Ill. Adm. Code 890)~~ shall be installed in the water supply pipe between the vending machine and the source of water.

3) An air gap shall be provided between the water dispensing spout and the water container that~~which~~ is at least equal to 4 times the diameter of the water dispensing supply pipe.

4) The machine shall be kept in an area that~~which~~ is free of dirt and debris. The~~and the~~ area shall be maintained to prevent insect and rodent harborage.

5) Any overflow or discharge of water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Illinois Plumbing Code.

q) Sample Siting Plan. All non-community supplies shall designate sampling points from which to collect all required samples. If a kitchen tap is available, one sample shall be taken from this location.

(Source: Amended at 44 Ill. Reg. 15785, effective September 1, 2020)

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Firearm Owners Identification Card Act

2) Code Citation: 20 Ill. Adm. Code 1230

3) Section Number: 1230.30 — Emergency Action: Amendment

4) Statutory Authority: Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605].

5) Effective Date of Emergency Rule: September 3, 2020

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 rulemaking is not set to expire before the end of the 150-day period.

7) Date Filed with the Index Department: September 3, 2020

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: The COVID-19 disaster has created a delay in ISP's ability to process FOID renewals in a timely manner. This emergency rule will allow expiring FOID cards to remain in effect until ISP is able to review and approve the renewal application.

10) A Complete Description of the Subjects and Issues Involved: Due to the Gubernatorial Disaster proclamations, this emergency rule amends the FOID rules to extend the expiration date for a FOID card for the period of the proclamations and the following 18 months. This extension is valid provided that the FOID card holder has submitted a renewal application and the FOID card has not been revoked by ISP.

11) Are there any rulemakings to this Part pending? No

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

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

13) Information and questions regarding this emergency rule shall be directed to:

Ms Yvette C. Loizon
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: ILLINOIS STATE POLICE

PART 1230
FIREARM OWNER'S IDENTIFICATION CARD ACT

Section
1230.10 Definitions
1230.20 Application Procedures
1230.30 Duration and Renewal of Identification Card
EMERGENCY
1230.40 Sponsorship of a Minor
1230.50 Return of FOID Card – Applicant
1230.60 Return of Revoked FOID Card – Other
1230.70 Appeal
1230.80 Judicial Review (Repealed)
1230.90 Certification (Repealed)
1230.100 Reduction of Remittance (Repealed)
1230.110 Retention of Remittance
1230.120 Clear and Present Danger Reporting

1230.EXHIBIT A Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
1230.EXHIBIT B Certification (Repealed)

AUTHORITY: Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 38 Ill. Reg. 2301, effective December 31, 2013; emergency amendment at 44 Ill. Reg. 6166, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; emergency amendment at 44 Ill. Reg. 15819, effective September 3, 2020, for a maximum of 150 days.

Section 1230.30 Duration and Renewal of Identification Card

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

EMERGENCY

A FOID Card shall expire 10 years from the date of issuance. The first day of the month in which the related FOID Card Application was received is designated as the date of issuance for purposes of this Part. For the duration of the Gubernatorial Disaster Proclamations related to COVID-19 and for a period of 18 months following, any FOID Card that has expired or will expire shall remain valid provided that the submitted renewal application is completed accurately and in its entirety pursuant to the provisions of Section 4 of the Act and the applicant's FOID card is not subject to revocation pursuant to the provisions of Section 8 of the Act. Any FOID card renewed during the duration of the Gubernatorial Disaster Proclamations shall expire 10 years from the date of issuance.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 15819, effective September 3, 2020, for a maximum of 150 days)

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Firearm Concealed Carry Act Procedures

2) Code Citation: 20 Ill. Adm. Code 1231

3) Section Number: 1231.60 — Emergency Action: Amendment

4) Statutory Authority: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

5) Effective Date of Emergency Rule: September 3, 2020

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 rulemaking is not set to expire before the end of the 150-day period.

7) Date Filed with the Index Department: September 3, 2020

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: The COVID-19 disaster has created a delay in ISP's ability to process FCCL renewals in a timely manner. This emergency rule will allow expiring FCCL's to remain in effect until ISP is able to review and approve the renewal application.

10) A Complete Description of the Subjects and Issues Involved: Due to the Gubernatorial Disaster proclamations, this emergency rulemaking amends the FCCL rules to extend the expiration date for a license for the period of the proclamations and the following 18 months. This extension is valid provided that the FCCL holder has submitted a renewal application and the FCCL has not been revoked by ISP.

11) Are there any rulemakings to this Part pending? No

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

13) Information and questions regarding this emergency rule shall be directed to:

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

Ms Yvette C. Loizon
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: ILLINOIS STATE POLICE

PART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

SUBPART A: DEFINITIONS

Section
1231.10 Definitions

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

1231.20 Instructor Approval
1231.30 Instructor Approval Revocation
1231.40 Curriculum Approval
1231.50 Training Certification

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

1231.60 Issuance of License
EMERGENCY
1231.70 Objections
1231.80 Review Board
1231.90 Qualifications for License
1231.100 Application
1231.110 Non-Resident Application
1231.120 Renewal
1231.130 Change Requests
1231.140 Fees
1231.150 Prohibited Areas
1231.160 FCCL Suspension, Revocation and Invalidation
1231.170 Appeals

SUBPART D: MISCELLANEOUS

1231.180 Law Enforcement Fingerprinting Registration

1231.APPENDIX A Prohibited Area Posting

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

1231.APPENDIX B Prior Training Credit
1231.APPENDIX C Concealed Carry Firearm Training Certification Form (Repealed)

AUTHORITY: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

SOURCE: Adopted by emergency rulemaking at 37 Ill. Reg. 15146, effective August 30, 2013, for a maximum of 150 days; adopted at 38 Ill. Reg. 2322, effective December 31, 2013; emergency amendment at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 38 Ill. Reg. 13410, effective June 10, 2014, for the remainder of the 150 days; emergency amendment at 38 Ill. Reg. 16010, effective July 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 19282, effective September 12, 2014; emergency amendment at 44 Ill. Reg. 6170, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; emergency amendment at 44 Ill. Reg. 15823, effective September 3, 2020, for a maximum of 150 days.

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

Section 1231.60 Issuance of License
EMERGENCY

a) An FCCL shall expire 5 years after the date of issuance. For the duration of the Gubernatorial Disaster Proclamations related to COVID-19 and for a period of 18 months following, any FCCL that has expired or will expire shall remain valid provided that the submitted renewal application is completed pursuant to the requirements of Sections 30, 40 and 50 of the Act, as well as Sections 4 and 8 of the FOID Act, and the applicant's FCCL card is not subject to revocation pursuant to the provisions of Section 70 of the Act. Any FCCL card renewed during the duration of the Gubernatorial Disaster Proclamations shall expire 5 years from the date of issuance.

b) The Department shall, at least 60 days prior to the expiration of an FCCL, forward to the last known address of each person whose FCCL is to expire a notification of the expiration.

c) The Department shall make applications available via its website no later than January 5, 2014. No later than July 1, 2014, the Department will provide an alternative to the web-based application process for Illinois residents who have limited or no access to the web-based application process.

d) FCCL applicants must obtain a digital signature through the Department of Central Management Services (see 14 Ill. Adm. Code 105) before applying for an FCCL. The Department will provide a link to the digital signature application through its website.

e) Applicants submitting fingerprints shall do so electronically by submitting a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.

f) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the licensed Live Scan vendor or law enforcement agency, the applicant shall electronically complete and submit the FCCL to the Department.

g) The TCN for FCCL applicants will have a unique purpose code for the FCCL application process. Concealed Carry Firearm Instructors may use the TCN previously obtained for the instructor application process. No other previously obtained TCNs may be used as they will not have the appropriate purpose code.

h) The database of FCCL applicants maintained by the Department pursuant to Section 10(i) of Act shall be exempt from FOIA pursuant to FOIA Section 7.5(v) [5 ILCS 140/7.5(v)].

1) Persons authorized to access the database shall register with the Department to obtain a unique password granting them secure access to the database.

2) The entity employing persons requesting access to the database shall appoint a person to act as the entity's point of contact and shall enter into an agreement with the Department defining the security protocols of the database and access to the database.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 15823, effective September 3, 2020, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of September 1, 2020 through September 8, 2020. The DCEO rulemaking is scheduled for the September 15, 2020 meeting. All other rulemakings are scheduled for the October 14, 2020 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/15/20	Department of Commerce and Economic Opportunity, Illinois Works Jobs Program Act (14 Ill. Adm. Code 680)	5/22/20 44 Ill. Reg. 8470	9/15/20
10/15/20	Department of Public Health, Child and Student Health Examination and Immunization Code (77 Ill. Adm. Code 665)	1/24/20 44 Ill. Reg. 1779	10/14/20
10/15/20	Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)	1/31/20 44 Ill. Reg. 2221	10/14/20
10/15/20	Department of Public Health, Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450)	2/21/20 44 Ill. Reg. 3073	10/14/20
10/15/20	Department of Public Health, Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)	3/6/20 44 Ill. Reg. 3349	10/14/20
10/15/20	Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)	5/8/20 44 Ill. Reg. 7833	10/14/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

10/15/20	Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955)	5/15/20 44 Ill. Reg. 8151	10/14/20
10/22/20	Illinois Labor Relations Board, General Procedures (80 Ill. Adm. Code 1200)	7/24/20 44 Ill. Reg. 12061	10/14/20
10/22/20	Illinois Labor Relations Board, Unfair Labor Practice Proceedings (80 Ill. Adm. Code 1220)	7/24/20 44 Ill. Reg. 12068	10/14/20

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring Agency to publish information concerning Private Letter Rulings and General Information Letters in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the First and Second Quarter of 2020. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Aircraft Use Tax	Motor Vehicles
Computer Software	Manufacturing, Machinery & Equipment
Enterprise Zones	Motor Vehicles
Exempt Organizations	Parking Excise Tax
Gross Receipts	Retailers' Occupation Tax
Leasing	Sale for Resale

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's Web site at www.tax.illinois.gov/.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for $3.00.

3. Name and address of person to contact concerning this information:

Rachel Neal
Legal Services Office
101 West Jefferson Street
Springfield IL 62794
217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2020 FIRST AND SECOND QUARTER SALES & MISCELLANEOUS TAX SUNSHINE INDEX

AIRCRAFT USE TAX

ST 20-0010-GIL 06/19/2020 This letter concerns the tax liabilities involving the purchase of a homebuilt aircraft kit. See 86 Ill. Adm. Code 152.101. (This is a GIL).

COMPUTER SOFTWARE

ST 20-0002-GIL 01/21/2020 A provider of software as a service is acting as a serviceman. If the provider does not transfer any tangible personal property to the customer, then the transaction generally would not be subject to Retailers' Occupation Tax, Use Tax, Service Occupation Tax, or Service Use Tax. If the provider transfers to the customer an API, applet, desktop agent, or a remote access agent to enable the customer to access the provider's network and services, it appears the subscriber is receiving computer software that is subject to tax. See 86 Ill. Adm. Code Parts 130 and 140. (This is a GIL.)

ST 20-0004-PLR 06/10/2020 This letter discusses computer software. See 86 Ill. Adm. Code 130.1935. (This is a PLR.)

ST 20-0009-GIL 06/09/2020 This letter discusses open source software. 35 ILCS 120/2-25. (This is a GIL.)

ENTERPRISE ZONES

ST 20-0011-GIL 06/24/2020 This letter discusses the enterprise building materials exemption. 86 Ill. Adm. Code 130.1951. (This is a GIL.)

EXEMPT ORGANIZATIONS

ST 20-0004-GIL 01/29/2020 This letter determines that an educational institution that provides optometry services as part of its curriculum does not incur tax on

the transfer of tangible personal property incident to the providing of that service. See generally 86 Ill. Adm. Code 130.2005. (This is a PLR.)

GROSS RECEIPTS

ST 20-0003-GIL 02/28/2020 Caterers incur Retailers' Occupation Tax liability on their entire gross receipts from sale, without deductions on account of overhead costs, such as charges for linens, dishes, flowers or delivery. (This is a GIL.)

LEASING

ST 20-0006-GIL 02/10/2020 Lessors of tangible personal property, including motor vehicles, under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2013. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

ST 20-0001-PLR 01/28/2020 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a PLR).

ST 20-0008-GIL 04/21/2020 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL).

MOTOR VEHICLES

ST 20-0012-GIL 06/24/2020 The sale of a vehicle that has previously been modified to make it usable by a disabled person is subject to Retailers' Occupation Tax liability on the entire selling price of the vehicle at the general

merchandise rate (6.25% plus any applicable local tax). See 86 Ill. Adm. Code 130.310. (This is a GIL).

PARKING EXCISE TAX

ST 20-0001-GIL 01/17/2020 This letter discusses the Parking Excise Tax. See 86 Ill. Adm. Code 196. (This is a GIL.)

ST 20-0003-PLR 06/03/2020 This letter discusses the taxability of commercial leases under the Parking Excise Tax. 86 Ill. Adm. Code 195.115(f). (This is a PLR.)

RETAILERS' OCCUPATION TAX

ST 20-0007-GIL 03/03/2020 This letter discusses the Retailers' Occupation Tax and Use Tax liability. See 86 Ill. Adm. Code 150.130. (This is a GIL.)

SALE AT RETAIL

ST 20-0005-GIL 02/06/ 2020 Persons who permanently affix modular homes to real estate act as construction contractors and incur Use Tax liability on their cost price of the tangible personal property they physically incorporate into real estate. See 86 Ill. Adm. Code 130.2075. (This is a GIL).

SALE FOR RESALE

ST 20-0002-PLR 03/03/2020 This letter discusses certificates of resale. See 86 Ill. Adm. Code 130.1405. (This is a PLR.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring Agency to publish information concerning Private Letter Rulings and General Information Letters in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue Income Tax Private Letter Rulings and General Information Letters issued for the First and Second Quarter of 2020. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Captive Real Estate Investment Credits
Credits – Foreign Tax
Trust Residency
Withholding

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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3. Name and address of person to contact concerning this information:

Rachel Neal
Legal Services Office
101 West Jefferson Street
Springfield IL 62794
217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2020 FIRST AND SECOND QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

IT 20-0001-GIL 01/07/2020 Alternative Apportionment Not Allowed unless Taxpayer Demonstrates Sales Factor does not Fairly Reflect Market for Goods or Services. (This is a GIL.)

IT 20-0002-GIL 01/21/2020 Petition for Alternative Apportionment not Timely

IT 20-0003-GIL 01/21/2020 Alternative Apportionment Not Allowed unless Taxpayer Shows Sales Factor does not Fairly Reflect Market for Goods or Services. (This is a GIL)

IT 20-0004-GIL 1/21/2020 Alternative Apportionment Not Allowed unless Taxpayer Shows Sales Factor does not Fairly Reflect Market for Goods or Services. (This is a GIL.)

CAPTIVE REAL ESTATE INVESTMENT

IT 20-0001-PLR 01/24/2020 REIT More Than 50%-Owned by Publicly Traded Foreign REIT is not Captive REIT (This is a PLR.)

CREDITS

IT 20-0007-GIL 04/03/2020 Historic Preservation Credit may be Allocated to Partners Pursuant to Agreement of Partners. (This is a GIL.)

IT 20-0008-GIL 04/06/2020 River Edge Historic Preservation Credit may be Allocated to Partners Pursuant to Agreement of Partners. (This is a GIL.)

CREDITS-FOREIGN TAX

IT 20-0005-GIL 01/27/2020 Alimony Deduction Reduces Credit Limitation Under IITA Section 601(b)(3). (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

TRUST RESIDENCY

IT 20-0009-GIL 06/19/2020 Whether a trust is +an Illinois resident dependent on definition of resident found in Sections 1501(a)(20)(C) and (D) of the IITA. (This is a GIL.)

WITHHOLDING

IT 20-0006-GIL 03/05/2020 Discusses Federal single state tax withholding requirements for certain employees of motor carriers. (This is a GIL.)

EXECUTIVE ORDER

2020-54
EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 50)

WHEREAS, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois and continues to necessitate updated and more stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, for the preservation of public health and safety throughout the State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I have found it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, on August 21, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, working with experts in the Department of Public Health, I put forward a deliberate plan that utilizes layers of mitigation steps to combat a resurgence of COVID-19 and prevent uncontrollable spread; and,

WHEREAS, that plan described two scenarios that would cause the State to institute more restrictive public health measures and impose additional mitigations in a region: first, a sustained increase in the 7-day rolling average (7 out of 10 days) in the positivity rate, coupled with either (a) a sustained 7-day increase in hospital admissions for a COVID-like illness, or (b) a reduction in hospital capacity threatening surge capabilities (ICU capacity or medical/surgical beds under 20%); or second, three consecutive days averaging greater than or equal to an 8% positivity rate (7 day rolling average); and,

WHEREAS, the spread of COVID-19 in Region 4, comprised of Bond, Clinton, Madison, Monroe, Randolph, St. Clair, and Washington Counties, triggered the second of these scenarios as the region has averaged greater than or equal to an 8% COVID-19 positivity rate (7 day rolling average) for three consecutive days; and,

EXECUTIVE ORDER

WHEREAS, despite mitigation steps put in place in Region 4 on August 18, 2020, through Executive Order 51, the region's positivity rate has continued to increase and now is over 10%; and,

WHEREAS, the Department of Public Health has continued to consult with local public health departments and leaders in Region 4 to determine appropriate further public health mitigation strategies for the specific challenges the region is facing in attempting to prevent the further spread of COVID-19;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective September 2, 2020 at 5:00 pm:

Section 1. The following public health restrictions and mitigations are instituted for Region 4, comprised of Bond, Clinton, Madison, Monroe, Randolph, St. Clair, and Washington Counties:

a. Mitigation for restaurants and bars. Restaurants and bars in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Indoor and Outdoor Dining:

    1. All restaurants and bars in the region must close at 11:00 p.m., and must remain closed until at least 6:00 a.m. the following day.

    2. All restaurants and bars in the region must suspend indoor on-premises consumption.

    3. All customers eating or drinking on premises must be seated at outdoor tables spaced at least six feet apart. Multiple parties may not be seated at a single table.

    4. Customers who are not yet seated at a table must wait off premises and, when waiting, must not congregate in groups larger than the party with whom they are dining. Standing, congregating, or dancing on premises is not permitted.

    5. Each party must have a reservation, even if made on-site, so that the restaurant or bar has contact information to reach every party for contact tracing if needed.

b. Mitigation for meetings and social events. Meetings and social events in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Meetings and Social Events:

1. Meetings and social events are limited to the lesser of 25 people or 25% of overall room capacity.

2. Attendance lists must be kept for contact tracing.

3. Party buses are not permitted.

c. Mitigation for gaming and casinos. Gaming and casinos in the region are subject to these restrictions and mitigation measures:

1. Gaming venues and casinos must close, and gaming terminals must stop operating, between 11:00 p.m. and 6:00 a.m. the following day.

2. Gaming venues and casinos are limited to 25% capacity.

3. Gaming venues and casinos must follow the mitigation strategies for restaurants and bars for those portions of their facilities.

d. Mitigation for all workplaces. Businesses and establishments shall institute remote work for high risk individuals, and shall evaluate whether additional workers can telework. This Executive Order encourages remote work for as many workers as possible.

Section 2. This Executive Order supplements the Community Revitalization Order (Executive Order 2020-43), which remains in effect other than when its terms are inconsistent with those expressly set forth in Section 1 above. The additional requirements of the Community Revitalization Order, including the requirements relating to social distancing and wearing face coverings, remain in place. The exemptions set forth in Section 4 of the Community Revitalization Order apply to this Executive Order.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor September 2, 2020
Filed by the Secretary of State September 2, 2020

ILLINOIS ADMINISTRATIVE CODE
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