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State of Illinois

Rules and Regulations

# TITLE 35:
# ENVIRONMENTAL PROTECTION

## SUBTITLE G:
## WASTE DISPOSAL

## CHAPTER I:
## POLLUTION CONTROL BOARD

August 1, 1985

State of Illinois

Rules and Regulations

# TITLE 35:
# ENVIRONMENTAL PROTECTION

# SUBTITLE G:
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# POLLUTION CONTROL BOARD

This printing of Title 35: Environmental Protection, Subtitle G: Waste Disposal Chapter I: Pollution Control Board includes amendments through August 1, 1985.

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| 730.103 | Definitions |
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| 730.105 | Classification of Injection Wells |
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| 730.110 | Plugging and Abandoning Class I and III Wells |


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SUBCHAPTER e: SPECIAL WASTE OPERATING REQUIREMENTS

*NOTE: The Pollution Control Board has not adopted regulations under this Subchapter.*

SUBCHAPTER f: GENERAL WASTE OPERATING REQUIREMENTS

*NOTE: The Pollution Control Board has not adopted regulations under this Subchapter.*

SUBCHAPTER g: OPERATOR CERTIFICATION

*NOTE: The Pollution Control Board has not adopted regulations under this Subchapter.*

SUBCHAPTER h: ILLINOIS "SUPERFUND" PROGRAM

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750.102 Authority
750.103 Scope
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750.483 Engineering Methods for On-Site Actions—Contaminated Water and Sewer Lines
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750.485 Engineering Methods for On-Site Actions—Treatment Technologies—Direct Waste Treatment Methods
750.486 Engineering Methods for On-Site Actions—Treatment Technologies—Contaminated Soils and Sediments
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750.492 Methods for Remedying Releases—Provision of Alternative Water Supplies
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750.496 Worker Health and Safety

SUBPART E: USE OF DISPERSANTS AND OTHER CHEMICALS

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750.501 General

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807
SOLID WASTE

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Section
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807.102 Repeals
807.103 Severability
807.104 Definitions

SUBPART B: SOLID WASTE PERMITS

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807.202 Operating Permits
807.203 Experimental Permits
807.204 Former Authorization
807.205 Applications for Permits
807.206 Permit Conditions
807.207 Standards for Issuance
807.208 Permit No Defense
807.209 Permit Revision
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807.211 Transfer of Permits
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807.311 Open Burning
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807.313 Water Pollution
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807.316 Application
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807.318 Completion or Closure Requirements

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807.502 Closure Performance Standard
807.503 Closure Plan
807.504 Amendment of Closure Plan
807.505 Notice of Closure and Final Amendment to Plan

807.506 Initiation of Closure
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807.602 Time for Submission of Financial Assurance
807.603 Upgrading Financial Assurance
807.604 Release of Financial Institution
807.605 Application of Proceeds and Appeal
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PART 809
SPECIAL WASTE HAULING

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809.205 Special Waste Hauling Permit Conditions
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809.210 General Exemption from Special Waste Hauling Permit Requirements
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809.401 Vehicle Numbers
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SUBPART E: MANIFESTS, RECORDS AND REPORTING

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809.501 Manifests, Records, Access to Records and Reporting Requirements

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

Section
809.601 Duration of Special Waste Hauler Permits and Tank Numbers

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section
809.701 General Provision

SUBPART H: EFFECTIVE DATES

Section
809.801 Compliance Date
809.802 Exceptions

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section
809.901 Definitions
809.902 Disposal Methods
809.903 Rendering Innocuous by Sterilization
809.904 Rendering Innocuous by Incineration
809.905 Recordkeeping Requirements for Generators
809.906 Defense to Enforcement Action

Appendix Old Rule Numbers Referenced

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER a: GENERAL PROVISIONS

# PART 700
# OUTLINE OF WASTE DISPOSAL REGULATIONS

## SUBPART A: GENERAL


| Section | |
|---|---|
| 700.101 | Applicability |
| 700.102 | Other Regulations |
| 700.103 | Organization |
| 700.104 | Intent and Purpose |
| 700.105 | Interim Status (Renumbered) |
| 700.106 | Effective Dates |
| 700.107 | Severability |
| 700.108 | References to Feder 1 Rules |
| 700.109 | Permits Prior to Authorization |


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| 700.205 | Act |
| 700.210 | Chapter 7 Operating Requirements |
| 700.215 | Chapter 7 Permits |
| 700.220 | Chapter 9 Operating Requirements |
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| 700.230 | Conflict |
| 700.235 | HWM |
| 700.240 | Operating Requirements |
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| 700.265 | Subject To |


## SUBPART C: GENERATORS


| Section | |
|---|---|
| 700.301 | Permits |
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## SUBPART D: TRANSPORTERS


| Section | |
|---|---|
| 700.401 | Permits |
| 700.402 | Operating Requirements |
| 700.403 | Manifests |
| 700.404 | Small Quantity Exemptions |


## SUBPART E: OWNERS AND OPERATORS OF HWM SITES


| Section | |
|---|---|
| 700.501 | Permits |
| 700.502 | Operating Requirements |
| 700.503 | Manifests |
| 700.504 | Small Quantity Exemptions |


## SUBPART F: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE


| Section | |
|---|---|
| 700.601 | Hazardous (Infectious) Hospital Waste |
| 700.602 | General Rule |
| 700.603 | Generators |
| 700.604 | Transporters |
| 700.605 | Owners and Operators |

**Appendix A Applicability Provisions**


*AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1013, 1022.4 and 1027.)*

*SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in Section 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in Section 700.106; amended in R81-32, 47 PCB 93, at 6 Ill. Reg. 12,655, effective as noted in Section 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, at 7 Ill. Reg. 14457, effective October 12, 1983; amended in R83-24, at 8 Ill. Reg. 200, effective December 27, 1983.*

## SUBPART A: GENERAL

### Section 700.101 Applicability

This Part sets forth rules which determine which provisions of Parts 700-749 are applicable to various persons and facilities.

### Section 700.102 Other Regulations

a) Unless otherwise expressly stated, persons and facilities subject to Parts 700-749 are also subject to other Board regulations. Applicability is determined on the basis of the language in the other Chapters.

b) The following are specific examples of other Chapters which may be applicable to facilities subject to this Chapter:

1) Incinerators are subject to Chapter 2: Air Pollution.

2) Open burning of wastes creating a hazard of explosion, fire or other serious harm is subject to Part V of Chapter 2: Air Pollution.

3) Facilities which discharge to waters of the State must obtain an NPDES (National Pollutant Discharge Elimination System) permit pursuant to Subpart A, Part 309 of Subtitle C: Water Pollution.

4) Facilities which discharge to sewers may be required to obtain permits pursuant to Subpart B, Part 309.

5) Land application of sludge is regulated pursuant to Part 309.

6) Coal mine overburden returned to the mine site is subject to Subtitle D: Mine Related Water Pollution but not to this Chapter (Section 3 of the Act and Section 721.104(b)).

7) Livestock waste disposal is subject to Subtitle E: Agriculture Related Pollution.

8) Operation of public water supplies is subject to Subtitle F: Public Water Supplies (prior to codification, Chapter 6), but water supply sludge disposal may be subject to this Chapter.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

### Section 700.103 Organization

Subtitle G is only partly codified. The following table is the intended assignment of Part numbers:

| Part | Prior to Codification | 40 CFR Part | Name or Abbreviated Name |
|---|---|---|---|
| | Chapter I: Pollution Control Board<br>Subchapter a: General Provisions | | |
| 700 | -- | -- | Outline |
| 701 | -- | -- | Reserved |
| | Subchapter b: Permits | | |
| 702 | -- | 122 | RCRA and UIC Permits |
| 703 | -- | 122 | RCRA Permits |
| 704 | -- | 122 | UIC Permits |
| 705 | -- | 124 | Procedures for Permit Issuance |
| 706 | Ch. 9, Parts I and II | -- | Special Waste Transporter Permits |
| 707 - 709 | -- | -- | Reserved |
| 710 | Ch. 7, Parts I and II | -- | Reserved for General Waste Permits |
| 711-719 | -- | -- | Reserved |
| | Subchapter c: Hazardous Waste Operating Requirements | | |
| 720 | -- | 260 | General |
| 721 | -- | 261 | Identification and Listing |
| 722 | -- | 262 | Generators |
| 723 | -- | 263 | Transporters |
| 724 | -- | 264 | Reserved |
| 725 | -- | 265 | Interim Standards for Owners and Operators |
| 726-728 | -- | -- | Reserved |
| 729 | -- | -- | Reserved for Prohibited Hazardous Wastes |
| | Subchapter d: Underground Injection Control Program | | |
| 730 | -- | 146 | Underground Injection Control Operating Requirements |
| 731 - 732 | -- | -- | Reserved |
| | Subchapter e: Special Waste Operating Requirements | | |
| 733 - 735 | -- | -- | Reserved for Chapter 9 Operating Requirements |
| 736 | Ch. 9, Part IX | -- | Reserved for Hazardous (Infectious) Hospital Waste |
| | Subchapter f: General Waste Operating Requirements | | |
| 737 | Ch. 7, Part III | -- | Reserved for Solid Waste Operating Requirements |
| 738 - 744 | -- | -- | Reserved |
| | Subchapter g: Operator Certification | | |
| 745 - 749 | -- | -- | Reserved for Certification |
| | Chapter II: Illinois Environmental Protection Agency | | |
| 750 - 799 | -- | -- | Reserved for IEPA Use |

*(Source: Amended at 6 Ill. Reg. 12655, effective as noted in Section 700.106)*

**Section 700.104 Intent and Purpose**

a) Prior to phase I authorization the Agency administered the RCRA (Resource Conservation and Recovery Act [P.L. 94-580, 12 USC 6901]) program under contract with USEPA (U.S. Environmental Protection Agency). The affected public was obliged to comply both with RCRA and existing Board regulations. It is the Board's intention to continue this during the interim status period, except where the contrary intention is clearly stated.

b) The Board intends:

1) That, prior to RCRA permit issuance, all facilities otherwise subject to Part 725 comply with its requirements whether or not they have interim status under 40 CFR Section 122.23.

2) That, prior to RCRA permit issuance, facilities which would have interim status under 40 CFR Section 122.23 should be deemed to have a permit under Section 21(f) of the Environmental Protection Act (Ill. Rev. Stat. 1981, Ch. 111 1/2, par 1021(f)) ("the Act").

3) To require RCRA permits of HWM facilities under conditions identical to those required by USEPA, except where the contrary intention is clearly stated.

c) The Board is adopting RCRA operating requirements. The Board intends these to be applicable to the same wastes and persons that would be subject to them under a USEPA administered program, except where the contrary intention is clearly stated.

d) The Board intends the RCRA operating requirements to be cumulative with its existing requirements. However, having expressly identified in Part 700 those Chapter 7 and Chapter 9 provisions which are not inconsistent and at least as stringent as federal requirements, the Board intends the RCRA operating requirements to prevail in the event of conflict.

e) The Board does not intend to impose duplicative paperwork requirements. Where existing Board rules and RCRA rules require the filing of forms which are similar, the Board intends to require only one form. In particular, the Board intends that only a single manifest should accompany each load of hazardous waste.

f) The Board intends the generator to make the first determination as to whether a waste is hazardous and whether it is subject to exemption under either Chapter 9 or the RCRA rules (Rule 501 of Chapter 9 and Section 722.111).

g) The Board intends to provide methods whereby information concerning the status of unmanifested waste can be transmitted to subsequent handlers. These are intended as optional methods which parties handling unmanifested waste may require for their protection.

h) The Board intends that a transporter or HWM (Hazardous Waste Management site) owner or operator should be able to accept manifested waste without the necessity for inquiry as to whether it is subject to regulation under Chapter 9 or the RCRA rules. The Board intends that Chapter 9 requirements should be deemed satisfied where the waste has been properly handled as though it were RCRA hazardous.

*(Source: Amended at 7 Ill. Reg. 14457, effective as noted in Section 700.106)*

**Section 700.105 Interim Status (renumbered)**

*(Source: Renumbered to 35 Ill. Adm. Code 703.153 through 703.157 and amended at 7 Ill. Reg. 14457, effective as listed in Section 700.106)*

**Section 700.106 Effective Dates**

a) The effective date of 35 Ill. Adm. Code 700, 720, 721, 722, 723 and 725 is May 17, 1982. Earlier effective dates specified in the rules are inoperative and are applicable only as federal rules.

b) 35 Ill. Adm. Code 702, 704 and 705, to the extent they apply to the issuance of UIC (Underground Injection Control) permits became effective on the effective date of this Section. However, UIC permits shall not be issued prior to the date on which USEPA approves the UIC program for the State of Illinois pursuant to Section 1422 of the SDWA (Safe Drinking Water Act) and 40 CFR 123.

c) 35 Ill. Adm. Code 730 became effective on the effective date of this Section. However, UIC permits shall not be issued prior to the date upon which USEPA approves the UIC program for the State of Illinois pursuant to Section 1422 of the SDWA and 40 CFR 123.

d) 35 Ill. Adm. Code 702 and 705, to the extent they apply to the issuance of RCRA permits, became effective on the effective date of this Section. However, RCRA permits shall not be issued prior to the date upon which USEPA grants final authorization for any component of the Phase II RCRA program.

e) 35 Ill. Adm. Code 703 and 724 became effective October 12, 1983; however, RCRA permits shall not be issued prior to the date on which USEPA grants final authorization to the Agency to issue permits for that class of facility or unit.

*(Source: Amended at 8 Ill. Reg. 200, effective December 27, 1983)*

**Section 700.107 Severability**

In the event any portion of Part 700 is declared invalid by a final order, no longer subject to appeal, of any court of competent jurisdiction, then the entirety of Part 700, except for Section 700.105, shall be inapplicable until the Board acts to revalidate it. During the period of inapplicability persons subject to Chapter 7, 9 or Part 702 through 730 shall comply fully with each as they are made applicable under their own terms, including use of separate Chapter 9 and RCRA manifests; provided, however, that persons shall comply only with those provisions of Chapter 7 or 9 which are not inconsistent with and at least as stringent as Parts 702 through 730.

*(Source: Amended at 6 Ill. Reg. 12655, effective as noted in Section 700.106)*

**Section 700.108 References to Federal Rules**

References to the Code of Federal Regulations and other materials referred to but not reproduced in this Chapter are as of the date of adoption or last amendment by the Board of the section in which the reference occurs.

*(Source: Added at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.109 Permits Prior to Authorization**

Persons who have federal interim status pursuant to 40 CFR 122.23 shall be deemed in compliance with the permit requirement of Section 21(f)(1) of the Act from the effective date of P.A. 82-380 until May 17, 1982.

*(Source: Amended at Ill. Reg., 14457, effective*

## SUBPART B: DEFINITIONS

**Section 700.201 Definitions**

The terms used in Part 700 have the same meaning as those used in the Act and other Board regulations, including Chapter 7: Solid Waste Disposal, Chapter 9: Special Waste Transportation, and Parts 702 through 730. Because Part 700 contains rules which reconcile these regulations it is necessary to use terms as they are used in the other rules. The source of the definition should be clear from the context. This Subpart contains definitions applicable only to Part 700.

*(Source: Amended at 6 Ill. Reg. 12655, effective as noted in Section 700.106)*

**Section 700.205 Act**

In Part 700 "Act" means the Illinois Environmental Protection Act (Ill. Rev. Stat. 1979, Ch. 111 1/2, Section 1001).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.210 Chapter 7 Operating Requirements**

Part III of Chapter 7.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.215 Chapter 7 Permits**

Permits required pursuant to Part II of Chapter 7.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.220 Chapter 9 Operating Requirements**

Parts III through VIII of Chapter 9, excluding various provisions which are permit rules, such as Rule 601(A).

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.225 Chapter 9 Permits**

Special waste hauling permits required pursuant to Part II of Chapter 9.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.230 Conflict**

As used in Part 700, "conflict" means an unresolved inconsistency, between Chapter 7 or Chapter 9 and Parts 720 through 725, which appears to require the performance of mutually exclusive acts by persons affected by the rules. Inconsistent definitions are not themselves conflicts, although they may give rise to conflicting substantive regulations. In Part 700 the Board has resolved all known inconsistencies, but has provided general rules for the resolution of conflicts which may arise in application.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.235 HWM**

HWM means hazardous waste management site.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.240 Operating Requirements**

Regulations which apply directly to the affected public other than requirements to obtain a permit and other than requirements concerning application for, modification of, conditions to be included in and issuance of permit.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.245 Permit Requirements**

Regulations which require permits together with related regulations concerning application, modification, conditions and issuance of permits.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.250 RCRA Operating Requirements**

Parts 702, 721, 722, 723, 724 and 725.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.255 RCRA Permit**

Permits required under Section 21(f) of the Act which may be deemed issued under Section 700.105.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.260 RCRA Rules**

The term "RCRA rules" means Board rules which are intended to be identical in substance to those USEPA rules adopted pursuant to the Resource Conservation and Recovery Act (42 USC 6901 et. seq.). This includes Parts 720, 721, 722, 723 and 725.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.265 Subject To**

In this Part the term "subject to" a set of rules means a person would have to comply with that set of rules if it were read apart from other rules. For example, "subject to RCRA rules" means that the person should have to comply with corresponding USEPA rules under a USEPA administered program in the absence of Board regulations. Appendix I contains a table listing important provisions which determine the applicability of various rules.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART C: GENERATORS

**Section 700.301 Permits**

a) Neither Chapter 9 nor the RCRA rules imposes a permit requirement on generators as such.

b) Generators must obtain an EPA identification number from USEPA pursuant to Part 722.

**Section 700.302 Operating Requirements**

a) Generators which are subject to RCRA rules but not Chapter 9 shall comply only with RCRA operating requirements.

b) Generators which are subject to Chapter 9 but not RCRA rules shall comply only with Chapter 9 operating requirements.

c) Generators subject to both RCRA rules and Chapter 9 shall comply with both. However, in the event of conflict, RCRA rules shall prevail.

d) As used in this Section, operating requirements do not include rules relating to manifests.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.303 Manifests**

a) Manifest requirements of Subpart B of Part 722 provide that the generator must forward a copy of manifests to the Agency in addition to the actions which would be required under 40 CFR Part 262.

b) Generators subject to RCRA rules shall comply with the manifest requirements of Part 722, Subpart B. Compliance shall be deemed compliance with Chapter 9 manifest requirements.

c) No person shall deliver, transport off-site or offer for transportation off-site, waste without a manifest if a manifest is required under either Chapter 9 or the RCRA rules.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.304 Small Quantity Exemptions**

a) Chapter 9 has a 100 kg/mo. (kilograms per month) exemption (Rule 210).

b) The RCRA rules have a 1000 kg/mo. exemption coupled with a 1 kg/mo. exemption for acute hazardous waste and other small quantity rules (Section 721.105).

c) A generator is exempt from Chapter 9 if it generates less than 100 kg/mo. of Chapter 9 special waste, including special waste which is hazardous under RCRA rules (Rule 210).

d) A generator is exempt from the RCRA rules if it generates less than 1000 kg/mo. of RCRA hazardous waste, including hazardous waste which is also special waste under Chapter 9; provided however that the generator may be subject to the RCRA rules with smaller quantities as set out in Section 721.105.

e) The generator must make the first determination as to whether a waste is subject to Chapter 9 or RCRA rules and whether it is exempt. (Rule 501 of Chapter 9 and Section 722.111).

f) The following table summarizes the small quantity exemptions:

| Quantity Per Month | *RCRA Hazardous Waste Regular | Acute | Special Waste |
|---|---|---|---|
| 1000 kg or more | Applicable | Applicable | Applicable |
| 100 to 1000 kg | Exempt | Applicable | Applicable |
| 1 to 100 kg | Exempt | Applicable | Exempt |
| Less than 1 kg | Exempt | Exempt | Exempt |

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

*There are other small quantity RCRA rules which are not summarized in this table (Section 721.105).

## SUBPART D: TRANSPORTERS

**Section 700.401 Permits**

a) The RCRA rules do not require permits of transporters. Transporters subject to Part 723 must obtain identification numbers from USEPA (Section 723.112). Transporters subject to Chapter 9 must obtain Agency identification numbers from the Illinois Environmental Protection Agency.

b) Rule 201 of Chapter 9 requires permits of transporters of special waste. Transporters who are subject to Part 723 must comply with this permit requirement if they are subject to Rule 201.

c) Transporters who are exempt from Rule 201 of Chapter 9 under Rule 210 or 211 need not obtain transporter permits even if they are subject to Part 723.

Comment: The Board recommends that all transporters obtain transporter permits.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.402 Operating Requirements**

a) Any transporter subject to the operating requirements of RCRA but not Chapter 9 must comply only with the RCRA operating requirements (Part 723).

b) Transporters subject to Chapter 9 operating requirements but not RCRA rules must comply only with Chapter 9 operating requirements. For example, a transporter hauling only Chapter 9 special waste which is not hazardous as defined in the RCRA rules need comply only with Chapter 9 operating requirements.

c) Transporters subject both to RCRA rules and Chapter 9 operating requirements shall comply with both sets of rules. In the event of a conflict, RCRA rules shall prevail.

d) Transporters which have a Chapter 9 permit shall placard and display their Chapter 9 number in accordance with Chapter 9 regardless of whether a load is subject to Chapter 9 or RCRA rules.

e) As used in this Section, operating requirements do not include rules relating to manifests.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.403 Manifests**

a) Rules for handling of manifests by transporters are substantially identical in RCRA rules and Chapter 9.

b) Transporters who accept manifested waste in accordance with RCRA regulations shall be deemed to have complied with the Chapter 9 manifest requirements (Part V of Chapter 9).

c) Transporters shall not accept unmanifested waste if a manifest would be required under either RCRA rules or Chapter 9.

**Section 700.404 Small Quantity Exemptions**

a) Small quantity exemptions are directly applicable only to generators in both Chapter 9 and the RCRA rules.

b) Transporters must obtain Chapter 9 permits and Agency identification numbers even if they only transport loads which do not require manifests because of small quantity exemptions. However, this does not apply to an exempt generator who transports his own waste. USEPA identification numbers are not required of transporters who haul only exempt waste.

Comment: Transporters should obtain a certification from the generator that a load is subject to exemption under Chapter 9 and RCRA rules prior to accepting unmanifested waste (Section 725.176).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART E: OWNERS AND OPERTORS OF HWM SITES

**Section 700.501 Permits**

a) Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703 require RCRA permits for owners and operators of HWM facilities. 35 Ill. Adm. Code 703 contains "interim status" rules which provide that RCRA permits are deemed issued for certain facilities.

b) 1) After final authorization the owner or operator of an HWM facility for which an actual RCRA permit has been issued must obtain a permit pursuant to Section 21(d) of the Environmental Protection Act, and 35 Ill. Adm. Code 807.201 and 807.202 only for treatment, storage and disposal units which accept non-hazardous waste and which are otherwise subject to that permit requirement. The Agency may consolidate these permits for review.

2) Until final authorization HWM owners and operators must obtain permits pursuant to Section 21(d) of the Environmental Protection Act and 35 Ill. Adm. Code 807.201 and 807.202 if they are subject to those rules. Examples of facilities subject to the RCRA rules but not Chapter 7 include sites conducting open burning of explosive waste or land application of sludge.

c) Owners and operators subject to the RCRA rules must obtain a USEPA identification number from USEPA (Section 725.111).

*(Source: Amended at 8 Ill. Reg. 200, effective December 27, 1983)*

**Section 700.502 Operating Requirements**

a) Owners and operators who are subject to RCRA operating requirements (Part 725) but not Part III of Chapter 7 shall comply with Part 725. For example, sites conducting open burning of explosive waste are not subject to Chapter 7 operating requirements.

b) Owners and operators who are subject to the operating requirements of Chapter 7, Part III, but not Part 725, shall comply only with Chapter 7, Part III. For example, landfills need comply only with Chapter 7 if they accept only garbage and special waste (as defined in Chapter 9) which is not hazardous (as defined in the RCRA rules).

c) Owners and operators subject both to the operating requirements of Part 725 and Part III of Chapter 7 must comply with both. However, in the event of conflict, Part 725 controls.

d) Subpart A contains rules on application of other Board chapters.

e) As used in this Section, operating requirements do not include rules relating to manifests.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.503 Manifests**

a) The HWM owner or operator must forward a copy of manifests to the Agency in addition to the actions which would be required under 40 CFR Part 265 (Section 725.171).

b) For waste which is subject to Chapter 9 but not the RCRA rules, the owner or operaor need comply only with the Chapter 9 manifest rules. For waste which is subject to both the Chapter 9 and RCRA rules, the owner or operator shall comply with the manifest requirements of Part 725, Subpart E. This is deemed compliance with the requirements of Rule 302 of Chapter 9.

Comment: It is recommended that the owner or operator comply with Section 725.176, unmanifested waste report, regardless of whether the waste is unmanifested because it is claimed to be exempt under the RCRA rules of Chapter 9. The owner or operator should request a certification from the generator or transporter before accepting unmanifested waste claimed to be exempt under the 100 kg exemption of Rule 210.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.504 Small Quantity Exemptions**

Small quantity exemptions are not generally directly applicable to owners and operators. Chapter 7 prohibits landfilling of hazardous waste in any quantity without a proper permit (Rule 310).

Comment: The owner or operator should complete an unmanifested waste report for waste which is received without a manifest regardless of whether exemption is claimed under Chapter 9 or the RCRA rules. The owner or operator should request a certification pursuant to Section 725.176 for waste which is claimed to be exempt under Chapter 9.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART F: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

**Section 700.601 Hazardous (Infectious) Hospital Waste**

a) "Hazardous (infectious) hospital waste" is defined in Section 3 of the Act and Rule 901 of Chapter 9. The definition of "hazardous" found in Part 720 is not intended to be read with this definition. "Hazardous (infectious) hospital waste" is not necessarily a "hazardous" waste subject to the RCRA rules. However, it may be RCRA "hazardous". The applicability of the RCRA rules is determined by the language found there.

b) Hazardous (infectious) hospital waste is a special waste within the meaning of Chapter 9.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 700.602 General Rule**

A person who is subject to Part IX of Chapter 9 but not the RCRA rules shall comply with Part IX of Chapter 9 but not the RCRA rules. A person who is subject to both Part IX of Chapter 9 and the RCRA rules shall comply with both. However, in the event of conflict, the RCRA rules control, except that hazardous (infectious) hospital waste cannot be landfilled.

**Section 700.603 Generators**

A person who generates hazardous (infectious) hospital waste which is also hazardous under the RCRA rules must comply with the applicable requirements, including:

a) USEPA identification numbers (Section 722.112)

b) Manifest requirements (Section 722.120)

**Section 700.604 Transporters**

A person who transports hazardous (infectious) hospital waste must have a Chapter 9 transporter permit (Rule 201 of Chapter 9). If it is also RCRA hazardous, a USEPA identification number is required (Section 723.111). Transportation may require a manifest (Section 723.120 or Rule 501 of Chapter 9).

**Section 700.605 Owners and Operators**

a) A person who renders innocuous hazardous (infectious) hospital waste which is also RCRA hazardous is an HWM owner or operator who is subject to Part 725. This is true even if the treatment is ineffective against the RCRA hazardous component. For example, an owner or operator who sterilizes infectious waste which is RCRA hazardous only because of a toxic component unaltered by sterlization is treating hazardous waste (Section 720.110 and Section 725.101).

b) A person who renders hazardous (infectious) hospital waste innocuous by incineration is subject to an incinerator permit requirement (Rule 103 of Chapter 2 and Rule 904 of Chapter 9, Section 700.102).

c) A person who renders innocuous hazardous (infectious) hospital waste may become a hazardous, or special waste generator if he initiates a shipment of innocuous waste which is hazardous under the RCRA rules, or special under Chapter 9 (Section 3 of the Act, Rule 301 of Chapter 9 and Section 722.101(f)). For example, an infectious waste which has been sterilized but which also contains a toxic component would require a manifest if shipped for further treatment or disposal.

d) Innocuous waste which is not hazardous may be landfilled only in facilities which have a Chapter 7 permit (Rule 904 of Chapter 9).

e) Hazardous (infectious) hospital waste may not be deposited in landfills (Section 21(h) of the Act).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## APPENDIX A TO PART 700

## APPLICABILITY PROVISIONS

*The following table lists rules which are important in determining the applicability of various sets of regulations.*

| | | |
|---|---|---|
| RCRA Rules | Part 703.121 | RCRA Permit Requirement |
| | Part 703.140 et seq. | Permits by Rule and Interim Status |
| | Part 720, ) Appendix A ) Part 721, ) Subpart A ) | Definition of RCRA Hazardous Waste and Small Quantity Exemptions |
| | Part 722.110 | Generators |
| | Part 723.110 | Transporters |
| | Part 724.101 and Part 725.101 | HWM Owners and Operators |
| Chapter 9 | Rule 103 | Definition of Special Waste |
| | Rule 201 | Special Waste Permits |
| | Rule 210 | Small Quantity Exemptions |
| | Rule 211 | Transporter Exemptions |
| Hazardous (Infectious) Hospital Waste (Chapter 9) | Rule 901 | Definition of Hazardous Hospital Waste |
| Chapter 7 | Rule 104 | Definition of Solid Waste Management |
| | Section 3 of the Act | Definition of Waste |
| | Rules 201, 202 and 302 | Permit Requirements |
| | Rule 310 | Special Waste Permits |

*(Source: Amended at 7 Ill. Reg. 14457, effective )*

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


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| 702.102 | Purpose and Scope |
| 702.103 | Confidentiality |
| 702.104 | References |
| 702.105 | Rulemaking |
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## SUBPART B: PERMIT APPLICATIONS


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## SUBPART C: PERMIT CONDITIONS


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| 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 |
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| 702.151 | Signatory Requirements |
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| 702.160 | Establishing Permit Conditions |
| 702.161 | Duration of Permits |
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| 702.163 | Alternative Schedules of Compliance |
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## 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 Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1013, 1022.4 and 1027).*

*SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at at 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985.*

## SUBPART A: GENERAL PROVISIONS

### Section 702.101 Applicability

a) Coverage

1) These permit regulations include provisions for two permit programs:

A) The RCRA (Resource Conservation and Recovery Act) permit program under Title V and Title X of the Environmental Protection Act.

B) The UIC (Underground Injection Control) permit program under Title III and Title X of the Environmental Protection Act.

2) These regulations cover basic permitting requirements (35 Ill. Adm. Code 702, 703 and 704) and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.

3) 35 Ill. Adm. Code 702, 703, 704 and 705 are derived from 40 CFR 122 and 124.

b) Structure

1) These regulations comprise four Parts:

A) 35 Ill. Adm. Code 702 contains definitions applicable to 35 Ill. Adm. Code 702, 703, 704 and 705. It also contains basic permitting requirements for the RCRA and UIC programs.

B) 35 Ill. Adm. Code 703 contains requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.

C) 35 Ill. Adm. Code 704 contains requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 704, 35 Ill. Adm. Code 704 will control.

D) 35 Ill. Adm. Code 705 establishes procedures for issuance by the Agency of RCRA and UIC permits.

2) 35 Ill. Adm. Code 702, 703 and 704 are organized into subparts. The structure and coverage of these Parts is indicated in the following table:

| | RCRA AND UIC 35 ILL. ADM. CODE 702 SUBPART | RCRA 35 ILL. ADM. CODE 703 SUBPART | UIC 35 ILL. ADM. CODE 704 SUBPART |
|---|---|---|---|
| General | A | A | A |
| Prohibitions | — | B | B |

| | | | |
|---|---|---|---|
| Authorization by Rule | — | C | C |
| Application | B | D and E | D |
| Conditions | C | F | F |
| Issued Permits | D | — | — |
| Hazardous Waste Wells | — | — | F |

c) Relation to Other Requirements

1) Permit Application Forms. Applicants for RCRA or UIC permits and persons seeking interim status under RCRA must submit their applications on Agency permit application forms when available.

2) Technical Regulations. The two permit programs which are covered in these permit regulations each have separate additional regulations that contain technical requirements for those programs. These separate regulations are used by the Agency to determine what requirements must be placed in permits if they are issued. These separate regulations are located as follows:

RCRA . 35 Ill. Adm. Code 720 through 725
UIC . . . 35 Ill. Adm. Code 730

(Board Note: See 40 CFR 122.1.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.102 Purpose and Scope**

a) Part 702 contains definitions (Sec. 702.110) and basic permitting requirements (Subparts B, C and D). Definitions are given for the RCRA and UIC programs. The permitting requirements apply to the RCRA and UIC programs.

b) 35 Ill. Adm. Code 703 and 704 contain additional requirements for RCRA and UIC permitting, respectively.

(Board Note: See 40 CFR 122.2.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.103 Confidentiality**

a) In accordance with Section 7 of the Environmental Protection Act certain information submitted to the Agency pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Agency may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with Board and Agency procedures. (35 Ill. Adm. Code 101.107 and 120)

b) Claims of confidentiality for the following information will be denied:

1) The name and address of any permit applicant or permittee;

2) The identity of substances being placed or to be placed in landfills or hazardous waste treatment, storage or disposal facilities.

3) For UIC permits, information which deals with the existence, absence or level of contaminants in drinking water.

(Board Note: See 40 CFR 122.19.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.104 References**

a) When used in 35 Ill. Adm. Code 702, 703 and 704, the following publication is incorporated by reference:

"Test Methods for the Evaluation of Solid Waste, Physical/ Chemical Methods" (1980), EPA publication number SW-846 (First Edition, 1980, as updated by Revision A (August, 1980), B (July, 1981) and C (February, 1982)) or (Second Edition, 1982). The first edition of 5W-846 is no longer in print. Revisions A and B are available from EPA, Office of Solid Waste, (WH-565B), 401 M Street, S.W., Washington, D.C. 20460. Revision C is available from NTIS, 5285 Port Royal Road, Springfield, Virginia 22161. The second edition of SW-846 includes material from the first edition and Revision A, B, and C in a reorganized format. It is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238 on a subscription basis, and future updates will automatically be mailed to the subscriber.

b) The reference listed in paragraph (a) is also available for inspection at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. 20408, and at the Office of the Pollution Control Board, 309 W. Washington, Suite 200, Chicago, Illinois 60606.

(Board Note: See 40 CFR 122.20.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.105 Rulemaking**

a) Any person may petition the Board to adopt, pursuant to Sections 13(c) and 22.4(a) of the Environmental Protection Act, as state regulations, rules which are identical in substance with newly adopted federal amendments or regulations applicable to RCRA or UIC permit issuance. The petition shall take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 102. The proposal shall include a listing of all amendments, since the last amendment of or proposal to amend 35 Ill. Adm. Code 702 through 705, to the portions of 40 CFR 122 and 124 which relate to RCRA and UIC permits.

b) With respect to RCRA and UIC permits, any person may petition the Board to adopt amendments or additional regulations which are not identical in substance with federal regulations. Such proposal shall conform to 35 Ill. Adm. Code 102, and Title VII and Sections 13(d), 22.4(b) and 22.4(c) of the Environmental Protection Act.

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.106 Agency Criteria**

a) The purpose of this section is to allow the Agency to publish criteria which will give guidance to the public as to what it will approve in RCRA and UIC permit applications and as to what conditions it will impose in permit issuance. The authority for criteria is the

Agency's authority to issue permits pursuant to Sections 4 and 39 of the Environmental Protection Act, and the requirement of the Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001) that policies or interpretations of general applicability affecting persons outside the agency are rules.

b) With respect to review of permit applications and establishment of permit conditions the Agency shall adopt as criteria any policies and interpretations of general applicability affecting persons outside the Agency.

c) Any criteria which are adopted shall include:

1) Clear references to related provisions of the appropriate Act and Board regulations;

2) A statement that the criteria are not Board regulations;

3) A statement that the criteria apply only to review of permit applications and establishment of conditions; and

4) Procedures to be followed if an applicant wishes to deviate from Agency criteria.

d) For purposes of permit issuance, proof of compliance with criteria is prima facie proof of compliance with related provisions of the appropriate Act and Board regulations; however, persons other than the Agency may challenge criteria as applied in the context of permit issuance.

*(Source: Amended at 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.107 Permit Appeals**

Unless the contrary intention is indicated, all actions taken by the Agency under 35 Ill. Adm. Code 702, 703, 704, 724 or 730 are to be done as part of an original permit application or a proceeding for modification of an issued permit. Such actions are subject to the procedural requirements of 35 Ill. Adm. Code 705. Any final Agency action may be appealed to the Board pursuant to Title X of the Environmental Protection Act and 35 Ill. Adm. Code 105 and 705.212. Actions taken to enforce a bond, insurance policy or similar instrument of a contractural nature are not necessarily permit modifications and may be enforced in any court with jurisdiction.

*(Source: Added at 7 Ill. Reg. 14532, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.108 Variances**

a) The Agency has no authority to issue any permit which is inconsistent with Board regulations. If an applicant seeks a permit which would authorize actions which would be inconsistent with Board regulations, including delayed compliance dates, the applicant should file a variance petition pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104.

b) The Agency must file a recommendation prior to any public hearing on such a variance petition. The recommendation must include a draft of the language the Agency proposes to include in the permit if its recommendation is accepted.

c) If the Board grants a variance, it will order the Agency to issue or modify the permit pursuant to the variance.

*(Source: Added at 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.109 Enforcement**

Any person may file an enforcement action alleging violation of the RCRA or UIC regulations, permit requirement or permit conditions pursuant to Title VIII of the Environmental Protection Act and 35 Ill. Adm. Code 103.

*(Source: Added at 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106.)*

**Section 702.110 Definitions**

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704 and 705. Terms not defined in this section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

(Board Note: See 40 CFR 270.2)

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

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act," whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program which has been approved or authorized by EPA under 40 CFR 123.

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

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106 or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

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

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) P.L. 92-500, as amended by P.L. 95-217, and P.L. 95-576; 33 U.S.C. 1251.

"Date of approval by USEPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or his designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking or placing of any "hazardous waste"

into or on any land or water or into any well so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

"Disposal Facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure.

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

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

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721, Subpart D only for this reason; and

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

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

"Environmental Protection Act" means the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001 et seq.), as amended.

"Environmental Protection Agency" ("EPA") means the United States Environmental Protection Agency.

"EPA" means the United States "Environmental Protection Agency".

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

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

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

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

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

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

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

"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. (See 35 Ill. Adm. Code 700.102 et seq.)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program which has met the requirements of Sec. 3006(b) of RCRA and the applicable requirements of 40 CFR 123, Subparts A and B.

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

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

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

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

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

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

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

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

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

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

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

"Interim authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management program which has met the requirements of Sec. 3006(c) of RCRA and applicable requirements of 40 CFR 123, Subpart F. This happened on May 17, 1982.

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

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

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" which contains the information required by 35 Ill. Adm. Code 722, Subpart B or 35 Ill. Adm. Code 809.

"National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of CWA and under Sec. 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309, Subpart A. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" which began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" which began injection after the UIC program for the State of Illinois applicable to the well is approved.

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

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

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

"Permit" means an authorization, license or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704 and 705. "Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162) and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 700.105), UIC authorization by rule (35 Ill. Adm. Code 704, Subpart C), or any permit which has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit."

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

"Phase I" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase I began on May 17, 1982.

"Phase II" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase II will commence whenever USEPA grants final authorization to the Agency to issue RCRA permits for any class of facility or unit.

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

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

"POTW" means "publicly owned treatment works".

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

"Publicly owned treatment works" ("POTW") means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "state" or "municipality". This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

"Radioactive waste" (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. 6901).

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or his designee.

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

"SDWA" means the Safe Drinking Water Act (Pub. L. 95-523, as amended by Pub. L. 95-1900; 42 U.S.C. 300f).

"Section 404 program" or "State 404 program" or "404" means an "approved state program" to regulate the "discharge of dredged material" and the "discharge of fill material" under Section 404 of the Clean Water Act in "state regulated waters".

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

"SIC Code" means codes pursuant to the current Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, Washington, D.C.

"State" means the State of Illinois.

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

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the RCRA and SDWA.

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

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

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.

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

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

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

"UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved program".

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

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which supplies any public water system; or

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

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solvents; and

Which is not an "exempted aquifer".

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

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act or 35 Ill. Adm. Code 309, Subpart A; and

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

Meets the definition of tank in 35 Ill. Adm. Code 720.110.

"Waters of the United States or Waters of the U.S." means:

All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

All interstate waters, including interstate "wetlands";

All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands", sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

which are or could be used by interstate or foreign travelers for recreational or other purposes;

from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

which are used or could be used for industrial purposes by industries in interstate commerce;

All impoundments of waters otherwise defined as waters of the United States under this definition;

Tributaries of waters identified in paragraphs (a)(1) through (a)(4) of this definition;

The territorial sea; and

"Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (a)(6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria for this definition) are not waters of the United States.

"Well" (UIC) means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

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

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

*(Source: Amended at 9 Ill. Reg. 11926, effective July 24, 1985)*

## SUBPART B: PERMIT APPLICATIONS

### Section 702.120 Permit Application

Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign and submit an application to the Agency as described in this section and in 35 Ill. Adm. Code 703.180 (RCRA) and 35 Ill. Adm. Code 704.161 (UIC). Persons currently authorized with interim status under RCRA (35 Ill. Adm. Code 703, Subpart C) or UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704) shall apply for permits when required by the Agency. Persons covered by RCRA permits by rule (35 Ill. Adm. Code 703.141) need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in 35 Ill. Adm. Code 703.221 (RCRA) and 35 Ill. Adm. Code 704.163 (UIC).

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.121 Who Applies

When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner must also sign the permit application.

(Board Note: See 40 CFR 122.4(b).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.122 Completeness

The Agency shall not issue a permit under a program (RCRA or UIC) before receiving a complete application for a permit under that program except for emergency permits. An application for a permit under a program is complete when the Agency receives an application form and any supplemental information which are completed to its satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. An application which is reviewed under 35 Ill. Adm. Code 705.121 through 705.126 is complete when the Agency receives either a complete application or the information listed in a notice of deficiency (35 Ill. Adm. Code 705.122).

(Board Note: See 40 CFR 122.4(c).)

### Section 702.123 Information Requirements

All applicants for RCRA or UIC permits shall provide the following information to the Agency, using the application form

provided by the Agency (additional information required of applicants is set forth in 35 Ill. Adm. Code 703.180 et seq. (RCRA) and 35 Ill. Adm. Code 704.161 (UIC)).

a) The activities conducted by the applicant which require it to obtain permits under RCRA or UIC.

b) Name, mailing address and location of the facility for which the application is submitted.

c) Up to four SIC codes which best reflect the principal products or services provided by the facility.

d) The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity.

e) The name, address and phone number of the owner of the facility.

f) A listing of all permits or construction approvals received or applied for under any of the following programs:

1) Hazardous Waste Management program under RCRA, this Part and 35 Ill. Adm. Code 703.

2) UIC program under SDWA, this Part and 35 Ill. Adm. Code 704.

3) NPDES program under CWA and 35 Ill. Adm. Code 309.

4) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

5) Nonattainment program under the Clean Air Act.

6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

7) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.

8) Dredge or fill permits under Section 404 of CWA.

9) Other relevant environmental permits, including Illinois permits.

g) A topographic map (or other map if a topographic map is unavailable) extending 1609 meters (one mile) beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies and drinking water wells listed in public records or otherwise known to the applicant within 402 meters (one fourth mile) of the facility property boundary.

h) A brief description of the nature of the business.

(Board Note: See 40 CFR 144.31(e), 270.10(d) and 270.13.)

*(Source: Amended at 9 Ill. Reg. 11926, effective July 24, 1985)*

**Section 702.124 Recordkeeping**

Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under 35 Ill. Adm. Code 702.123, 703.180 et seq. (RCRA); and 35 Ill. Adm. Code 704.161 (UIC) for a period of at least 3 years from the date the application is signed.

(Board Note: See 40 CFR 122.4(e).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.125 Continuation of Expiring Permits**

a) The conditions of an expired permit continue in force until the effective date of a new permit (see 35 Ill. Adm. Code 705.201) if:

1) The permittee has submitted a timely application under 35 Ill. Adm. Code 703.181 (RCRA) or 704.161 (UIC), which is a complete (under Sec. 702.122) application for a new permit; and

2) The Agency, through no fault of the permittee, does not issue a new permit with an effective date under 35 Ill. Adm. Code 705.201 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

b) Effect. Permits continued under this section remain fully effective and enforceable.

c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit the Agency may choose to do any or all of the following:

1) Initiate enforcement action based upon the permit which has been continued;

2) Issue a notice of intent to deny the new permit under 35 Ill. Adm. Code 705.141. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

3) Issue a new permit under 35 Ill. Adm. Code 705 with appropriate conditions; or

4) Take other actions authorized by the Environmental Protection Act, or regulations adopted thereunder.

(Board Note: See 40 CFR 122.5.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.126 Signatories to Permit Applications and Reports**

a) Applications. All applications shall be signed as follows:

1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means;

A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

B) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated

to the manager in accordance with corporate procedures.

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

2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

3) For a municipality, State, federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a federal agency includes:

A) The chief executive officer of the agency, or

B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).

b) Reports. All reports required by permits or other information requested by the Agency shall be signed by a person described in paragraph (a), or by a duly authorized representative only if:

1) The authorization is made in writing by a person described in paragraph (a);

2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

3) The written authorization is submitted to the Agency.

c) Changes to authorization. If an authorization under paragraph (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) must be submitted to the Agency prior to or together with any reports, information or applications to be signed by an authorized representative.

d) Certification. Any person signing a document under paragraphs (a) or (b) shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Board Note: See 40 CFR 144.32 and 270.11.)

*(Source: Amended at 9 Ill. Reg. 11926, effective July 24, 1985)*

## SUBPART C: PERMIT CONDITIONS

### Section 702.140 Conditions Applicable to all Permits

The following conditions of Secs. 702.141 et seq. apply to all RCRA and UIC permits. For additional conditions applicable to all permits for each of the programs individually, see 35 Ill. Adm. Code 703.241 et seq. (RCRA) and 704.181 (UIC). All conditions applicable to all permits, and all additional conditions applicable to all permits for individual programs, shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

(Board Note: See 40 CFR 122.7.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.141 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Illinois Environmental Protection Act and is grounds: for an enforcement action; for permit revocation or modification; or for denial of a permit renewal application.

(Board Note: See 40 CFR 122.7(a).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.142 Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(Board Note: See 40 CFR 122.7(b).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.143 Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(Board Note: See 40 CFR 122.7(c).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.144 Duty to Mitigate

In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the

environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

(Board Note: See 40 CFR 270.30(d).)

**Section 702.145 Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(Board Note: See 40 CFR 122.7(e).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.146 Permit Actions**

This permit may be modified or revoked for cause. The filing of a request by the permittee for a permit modification or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(Board Note: See 40 CFR 122.7(f).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.147 Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

(Board Note: See 40 CFR 122.7(g).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.148 Duty to Provide Information**

The permittee shall furnish to the Agency, within a reasonable time, any relevant information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

(Board Note: See 40 CFR 122.7(h).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.149 Inspection and Entry**

The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:

a) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate Act, any substances or parameters at any location.

(Board Note: See 40 CFR 122.7(i).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.150 Monitoring and Records**

a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Agency at any time. The permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

c) Records of monitoring information shall include:

1) The date, exact place and time of sampling or measurements;

2) The individual(s) who performed the sampling or measurements;

3) The date(s) analyses were performed;

4) The individual(s) who performed the analyses;

5) The analytical techniques or methods used; and

6) The results of such analyses.

(Board Note: See 40 CFR 270.30.)

*(Source: Amended at 9 Ill. Reg. 11926, effective July 24, 1985)*

**Section 702.151 Signatory Requirements**

All application, reports or information submitted to the Agency shall be signed and certified (Section 702.126).

(Board Note: See 40 CFR 122.7(k).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.152 Reporting Requirements**

a) Planned changes. The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

b) Anticipated noncompliance. The permittee shall give advance notice to the Agency of any planned changes in

the permitted facility or activity which may result in noncompliance with permit requirements.

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 shall be reported at the intervals specified in the permit.

e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date.

f) Twenty-four hour reporting.

1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances, including:

A) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

B) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, which could threaten the environment or human health outside the facility.

2) The description of the occurrence and its cause shall include:

A) Name, address and telephone number of the owner or operator;

B) Name, address and telephone number of the facility;

C) Date, time and type of incident;

D) Name and quantity of material(s) involved;

E) The extent of injuries, if any;

F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

G) Estimated quantity and disposition of recovered material that resulted from the incident.

3) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e) and (f) at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f).

h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, it shall promptly submit such facts or information.

(Board Note: See 40 CFR 270.30(1).)

*(Source: Amended at 9 Ill. Reg. 11926, effective July 24, 1985)*

**Section 702.160 Establishing Permit Conditions**

a) In addition to conditions required in permits for both programs (Secs. 702.140 through 702.152), the Agency shall establish conditions, as required on a case-by-case basis, in RCRA and UIC permits under Sec. 702.161 (duration of permits), Sec. 702.162 (schedules of compliance) and Sec. 702.164 (Recording and Reporting).

b)

1) In addition to conditions required in all permits for a particular program (35 Ill. Adm. Code 703.241 et seq. for RCRA and 35 Ill. Adm. Code 704.181 for UIC), the Agency shall establish conditions in permits for the individual programs, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the appropriate Act and regulations.

2) An applicable requirement is a statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit. 35 Ill. Adm. Code 705.184 (reopening of comment period) provides a means for reopening permit proceedings at the discretion of the Agency where new requirements become effective during the permitting process and are of sufficient magnitude to make additional preceedings desirable. An applicable requirement is also any requirement which takes effect prior to the modification of a permit, to the extent allowed in 35 Ill. Adm. Code 705.201.

3) New or reissued permits, and to the extent allowed under 35 Ill. Adm. Code 705.201 modified permits, shall incorporate each of the applicable requirements referenced in 35 Ill. Adm. Code 703.241 et seq. (RCRA) and 35 Ill. Adm. Code 704.182 through 704.191 (UIC).

c) Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

(Board Note: See 40 CFR 122.8.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.161 Duration of Permits**

a) RCRA. RCRA permits shall be effective for a fixed term, to be determined by the Agency on a case-by-case basis, not to exceed ten years.

b) UIC. UIC permits for Class I and Class V wells shall be effective for a fixed term, to be determined by the Agency on a case-by-case basis, not to exceed ten years. UIC permits for Class III wells shall be issued for a period not to exceed five years; provided, however, that the Agency shall, without requiring a new application, renew such permits for a period not to exceed five years per renewal unless the Agency determines that the permit should be modified, revoked or a minor modification made as provided in Secs. 702.183 through 702.187, in which case the permittee shall be required to file a new application.

c) Except as provided in Sec. 702.125, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.

d) The Agency may issue any permit for a duration that is less than the full allowable term under this section.

(Board Note: See 40 CFR 122.9.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.162 Schedules of Compliance**

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

a) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible. For UIC, in addition, schedules of compliance shall require compliance not later than 3 years after the effective date of the permit.

b) Interim dates. If a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

1) The time between interim dates shall not exceed 1 year.

2) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward compliance of the interim requirements and indicate a projected completion date.

c) Reporting. A RCRA permit shall be written to require that no later than 14 days following such interim date and the final date of compliance, the permittee shall notify the Agency in writing of its compliance or noncompliance with the interim or final requirements. A UIC permit shall be written to require that if paragraph (a) is applicable progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

d) The Agency may not permit a schedule of compliance involving violation of regulations adopted by the Board unless the permittee has been granted a variance. To avoid delay an applicant seeking a schedule of compliance should file a variance petition pursuant to 35 Ill. Adm. Code 104 at the same time the permit application is filed.

(Board Note: See 40 CFR 122.10(a).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.163 Alternative Schedules of Compliance**

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

a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

1) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

2) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.

c) If the permittee is undecided whether to cease conducting regulated activites, the Agency may issue or modify a permit to contain two schedules as follows:

1) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

2) One schedule shall lead to timely compliance with applicable requirements;

3) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements.

4) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (c)(1) it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

d) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Agency, such as a resolution of the board of directors of a corporation.

(Board Note: See 40 CFR 122.10(b).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.164 Recording and Reporting**

All permits shall specify:

a) Requirements concerning the proper use, maintenance and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

b) Required monitoring including type, intervals and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in 35 Ill. Adm. Code 724 (RCRA) and 35 Ill. Adm. Code 730 (UIC). Reporting shall be no less frequent than specified in the above regulations.

(Board Note: See 40 CFR 122.11.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

## SUBPART D: ISSUED PERMITS

### Section 702.181 Effect of a Permit

a) The existence of a RCRA or UIC permit shall not constitute a defense to a violation of the Environmental Protection Act or this Subtitle, except for development, modification or operation without a permit. A permit may be modified or revoked during its term for cause as set forth in Secs. 702.183 through 702.186.

b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations, except as noted in paragraph (a).

(Board Note: See 40 CFR 122.13.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.182 Transfer

a) Transfer by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified (under Sec. 702.183 through 702.185) or a minor modification made (under Sec. 702.187(d), to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. The new owner or operator to whom the permit is transferred shall comply with all the terms and conditions specified in such permit.

b) Automatic transfers. As an alternative to transfers under paragraph (a), any UIC permit for a well not injecting hazardous waste may be automatically transferred to a new permittee if:

1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date in paragraph (b)(2);

2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them and the notice demonstrates that the financial responsibility requirements of 35 Ill. Adm. Code 704.189 will be met by the new permittee and that the new permittee agrees to comply with all the terms and conditions specified in the permit to be transferred under paragraph (b); and

3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify the permit. A modification under this subparagraph may also be a minor modification under Sec. 702.187. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2).

(Board Note: See 40 CFR 122.14.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.183 Modification

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (See Secs. 702.140 through 702.152), receives a request for modification or conducts a review of the permit file) it may determine whether or not one or more of the causes listed in Secs. 702.184 and 702.185 for modification exist. If cause exists, the Agency may modify the permit accordingly, subject to the limitations of Sec. 702.185 and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If cause does not exist under Sec. 702.183 through 702.185 or Sec. 702.187 the Agency shall not modify the permit. If a permit modification satisfies the criteria in Sec. 702.187 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 followed.

(Board Note: See 40 CFR 122.15.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 702.184 Causes for Modification

The following are causes for modification of permits:

a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

b) Information. The Agency has received information. Permits other than for UIC Class III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits this cause shall include any information indicating that cumulative effects on the environment are unacceptable.

c) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits other than for UIC Class III wells may be modified during their terms for this cause only as follows:

1) For promulgation of amended standards or regulations, when:

A) The permit condition requested to be modified was based on a promulgated 35 Ill. Adm. Code 720 through 725 (RCRA) or 35 Ill. Adm. Code 730 (UIC) regulation; and

B) The Board has revised, withdrawn or modified that portion of the regulation on which the permit condition was based; and

C) If it is the permittee who is requesting modification, the permittee requests modification in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days after Illinois Register notice of the rulemaking on which the request is based.

2) For judicial decisions, a court of competent jurisdiction has remanded and stayed Board promulgated regulations, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days of judicial remand.

d) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

e) For RCRA only, the Agency may modify a permit:

1) When modification of a closure plan is required under 35 Ill. Adm. Code 724.212(b) or 35 Ill. Adm. Code 724.218(b).

2) After the Agency receives the notification of expected closure under 35 Ill. Adm. Code 724.213, when the Agency determines that extension of the 90 or 180 day periods under 35 Ill. Adm. Code 724.213, modification of the 30-year post-closure period under 35 Ill. Adm. Code 724.217(a), continuation of security requirements under 35 Ill. Adm. Code 724.217(b), or permission to disturb the integrity of the containment system under 35 Ill. Adm. Code 724.217(c) are unwarranted.

3) When the permittee has filed a request under 35 Ill. Adm. Code 724.247(c) for a modification to the level of financial responsibility or when the Agency demonstrates under 35 Ill. Adm. Code 724.247(d) that an upward adjustment of the level of financial responsibility is required.

4) When the corrective action program specified in the permit under 35 Ill. Adm. Code 724.200 has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time.

5) To include a detection monitoring program meeting the requirements of 35 Ill. Adm. Code 724.198, when the owner or operator has been conducting a compliance monitoring program under 35 Ill. Adm. Code 724.199 or a corrective action program under 35 Ill. Adm. Code 724.200 and the compliance period ends before the end of the post-closure care period for the unit.

6) When a permit requires a compliance monitoring program under 35 Ill. Adm. Code 724.199, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard.

7) To include conditions applicable to units at a facility that were not previously included in the facility's permit.

8) When a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions.

f) The following are causes to modify or, alternatively, revoke and reissue a permit:

The Agency has received notification (as required in the permit, see Sec. 702.152(c)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (Sec. 702.182(b)), but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

(Board Note: See 40 CFR 144.39 and 270.41.)

*(Source: Amended at 9 Ill. Reg. 11926, effective July 24, 1985)*

**Section 702.185 Facility Siting**

For RCRA and UIC, suitability of the facility location will not be considered at the time of permit modification unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications may require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act.

(Board Note: See 40 CFR 122.15(c).)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.186 Revocation**

The Board will revoke a permit during its term in accordance with Title VIII of the Environmental Protection Act or deny a permit renewal application for the following causes:

a) The permittee's violation of the Environmental Protection Act or regulations adopted thereunder;

b) Noncompliance by the permittee with any condition of the permit;

c) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

d) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or revocation.

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 702.187 Minor Modifications**

Upon the consent of the permittee, the Agency may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 35 Ill. Adm. Code 705. Any permit modification not processed as a minor modification under this section must be made for cause and with 35 Ill. Adm. Code 705 draft permit and public notice as required in Sec. 702.183 through 702.185. Minor modifications may only:

a) Correct typographical errors;

b) Require more frequent monitoring or reporting by the permittee;

c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

d) Allow for a change in ownership or operational control of a facility where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Agency.

e) For RCRA only:

1) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan; or

2)

A) Change estimates of maximum inventory under 35 Ill. Adm. Code 724.212(a)(2);

B) Change estimates of expected year of closure or schedules for final closure under 35 Ill. Adm. Code 724.212(a)(4); or

C) Approve periods longer than 90 days or 180 days under 35 Ill. Adm. Code 724.213(a) and (b).

3) Change the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided that the change is minor.

4) Change the operating requirements set in the permit for conducting a trial burn, provided that the change is minor.

5) Grant one extension of the time period for determinating operational readiness following completion of construction, for up to 720 hours operating time for treatment of hazardous waste.

6) Change the treatment program requirements for land treatment units under 35 Ill. Adm. Code 724.371 to improve treatment of hazardous constituents, provided that the change is minor.

7) Change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with 35 Ill. Adm. Code 703.230, provided that the change is minor.

8) Allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by 35 Ill. Adm. Code 724.372(a), provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration.

f) For UIC only:

1) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Agency, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.

2) Change construction requirements approved by the Agency pursuant to 35 Ill. Adm. Code 704.182 (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this part and 35 Ill. Adm. Code 704 and 730.

3) Amend a plugging and abandonment plan which has been updated under 35 Ill. Adm. Code 704.181(e).

(Board Note: See 40 CFR 122.17.)

*(Source: Amended at Ill. Reg. 14352 effective as noted in 35 Ill. Adm. Code 700.106)*

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

# PART 703
# RCRA PERMIT PROGRAM

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*AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022.4 and 1027).*

*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.*

## SUBPART A: GENERAL PROVISIONS

### Section 703.100 Scope and Relation to Other Parts

a) This Part requires RCRA permits for hazardous waste management (HWM) facilities, which may include one or more treatment, storage or disposal (TSD) units. This Part also contains specific rules on applications for and issuance of RCRA permits;

b) 35 Ill. Adm. Code 702 contains general provisions on applications for and issuance of RCRA permits. 35 Ill. Adm. Code 705 contains procedures to be followed by the Illinois Environmental Protection Agency in issuing RCRA permits;

c) The definitions of 35 Ill. Adm. Code 702.110 apply to this Part. 35 Ill. Adm. Code 720 contains definitions applicable to the RCRA operating standards, and 35 Ill. Adm. Code 721 defines "solid waste" and "hazardous waste";

d) The standards of 35 Ill. Adm. Code 724 and 725 apply to HWM facilities required to have RCRA permits. 35 Ill. Adm. Code 722 and 723 contain standards applicable to generators and transporters of hazardous waste.

### Section 703.101 Purpose

a) The purpose of this Part is to provide for the issuance of RCRA permits to satisfy the permit requirement of Section 21(f) of the Environmental Protection Act;

b) This Part is adopted in order to obtain final authorization from the United States Environmental Protection Agency (USEPA) for the State of Illinois to participate in permit issuance pursuant to the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901).

### Section 703.110 References

a) When used in this Part the following publications are incorporated by reference:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (First Edition, 1980, as updated by Revisions A (August 1980,

B (July, 1981), and C (February, 1982)) or (Second Edition, 1982). The first edition of SW-846 is no longer in print. Revisions A and B are available from EPA, Office of Solid Waste, (WH-565B), 401 M Street, S.W., Washington, D.C. 20460. Revision C is available from NTIS, 5285 Port Royal Road, Springfield, Virginia 22161. The second edition of SW-846 includes material from the first edition and Revisions A, B, and C in a reorganized format. It is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238, on a subscription basis, and future updates will automatically be mailed to the subscriber.

b) The references listed in paragraph (a) are also available for inspection at the offices of the Pollution Control Board. This incorporation includes no later amendments or editions.

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

## SUBPART B: PROHIBITIONS

### Section 703.120 Prohibitions in General

a) Violation of the provisions of this Subpart may result in an enforcement action and sanctions pursuant to Titles VIII and XII of the Environmental Protection Act;

b) This Subpart:

1) Prohibits the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);

2) Specifies exclusions from the permit requirement (Section 703.123);

3) Sets times for the filing of applications and reapplications (Sections 703.125 and 703.126);

4) Prohibits violation of the conditions of RCRA permits (Section 703.122);

c) Subpart C grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C contains prohibitions applicable during the interim status period;

d) The following definitions apply to this Subpart:

1) 35 Ill. Adm. Code 702.110;

2) 35 Ill. Adm. Code 721, the definitions of "solid waste" and "hazardous waste".

### Section 703.121 RCRA Permits

a) No person shall conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation:

1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

2) In violation of any condition imposed by a RCRA permit;

b) Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit, and, for any unit which closed after January 26, 1983, during any post-closure care period required under 35 Ill. Adm. Code 724.217 and during any compliance period specified under 35 Ill. Adm. Code 724.196, including any extension of that compliance period under 35 Ill. Adm. Code 724.196(c).

(Board Note: See 40 CFR 122.21(d).)

### Section 703.122 Specific Inclusions in Permit Program

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

a) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store or dispose of hazardous waste. However, the owner and operator with a UIC permit will be deemed to have a RCRA permit for the injection well itself if they comply with the requirements of Section 703.141(b) (permit by rule for injection wells);

b) Treatment, storage or disposal of hazardous waste at facilities requiring an NPDES (National Pollutant Discharge Elimination System) permit issued pursuant to 35 Ill. Adm. Code 309. However, the owner and operator of a publicly owned treatment works (POTW) receiving hazardous waste will be deemed to have a RCRA permit for that waste if they comply with the requirements of Section 703.141(c) (permit by rule for POTWs);

c) Barges or vessels that dispose of hazardous waste by ocean disposal and onshore hazardous waste treatment or storage facilities associated with an ocean disposal operation. However, the owner and operator will be deemed to have a RCRA permit for ocean disposal from the barge or vessel itself if they comply with the requirements of Section 703.141(a) (permit by rule for ocean disposal barges and vessels).

(Board Note: See 40 CFR 270.1(c)(1).)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

### Section 703.123 Specific Exclusions from Permit Program

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

a) Generators who accumulate hazardous waste on-site for less than 90 days, as provided in 35 Ill. Adm. Code 722.134;

b) Farmers who dispose of hazardous waste pesticides from their own use as provided in 35 Ill. Adm. Code 722.151;

c) Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 721.105 (small generator exemption);

d) Owners or operators of totally enclosed treatment facilities as defined in 35 Ill. Adm. Code 720.110;

f) Owners and operators of elementary neutralization units or wastewater treatment units as defined in 35 Ill. Adm. Code 720.110;

g) Transporters 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;

h) Persons adding absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) and persons adding waste to absorbent material in a

container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271 and 724.272 are complied with.

(Board Note: See 40 CFR 122.21(d)(2))

**Section 703.124 Discharges of Hazardous Waste**

a) A person is not required to obtain a RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:

1) A discharge of a hazardous waste;

2) An imminent and substantial threat of a discharge of hazardous waste;

3) A discharge of a material which, when discharged, becomes a hazardous waste.

b) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part for those activities.

(Board Note: See 40 CFR 270.1(c)(3).)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.125 Reapplications**

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

(Board Note: See 40 CFR 122.22(d).)

**Section 703.126 Initial Applications**

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

(Board Note: See 40 CFR 122.22(a) and (b).)

**Section 703.127 Federal Permits (Repealed)**

*(Source: Repealed at 8 Ill. Reg. 206, effective December 27, 1983)*

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

**Section 703.140 Purpose and Scope**

a) The Sections of this Subpart are divided into two groups:

1) Section 703.141, Permits by Rule; and

2) Sections 703.151 through 703.158, relating to interim status;

b) The interim status rules correspond to those portions of 40 CFR 122.21, 122.22 and 122.23 which relate to interim status. Other portions of the federal rules may be found in Subpart B. The intent is to group the interim status rules so they can be more easily ignored by those to whom they do not apply, and so they can be conveniently repealed after the interim status period.

**Section 703.141 Permits by Rule**

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

a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator:

1) Has a permit for ocean dumping issued under 40 CFR 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1420 et seq.);

2) Complies with the conditions of that permit; and

3) Complies with the following hazardous waste regulations:

A) 40 CFR 264.11, Identification number;

B) 40 CFR 264.71, Use of manifest system;

C) 40 CFR 264.72, Manifest discrepancies;

D) 40 CFR 264.73(a) and (b)(1), Operating record;

E) 40 CFR 264.75, Biennial report; and

F) 40 CFR 264.76, Unmanifested waste report;

b) Injection wells. The owner or operator of an injection well disposing of hazardous waste, if the owner or operator:

1) Has a permit for underground injection issued under 35 Ill. Adm. Code 704; and

2) Complies with the conditions of that permit and the requirements of 35 Ill. Adm. Code 704, Subpart F (requirements for wells managing hazardous waste);

c) Publicly owned treatment works. The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator:

1) Has an NPDES permit;

2) Complies with the conditions of that permit; and

3) Complies with the following regulations:

A) 35 Ill. Adm. Code 724.111, Identification number;

B) 35 Ill. Adm. Code 724.171, Use of manifest system;

C) 35 Ill. Adm. Code 724.172, Manifest discrepencies;

D) 35 Ill. Adm. Code 724.173(a) and (b)(1), Operating record;

E) 35 Ill. Adm. Code 724.175, Annual report;

F) 35 Ill. Adm. Code 724.176, Unmanifested waste report; and

4) If the waste meets all Federal, State and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe or similar conveyance.

(Board Note: See 40 CFR 270.60.)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.150 Application by Existing HWM Facilities**

a) The owner or operator of an existing HWM facility must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:

1) Six months after the date of publication of regulations which first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725; or

2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725;

b) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application at any time after the effective date of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit at the facility. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for all or part of the HWM facility at any time.

c) The time for filing Part A of the permit application may be extended only by a Board Order entered pursuant to a variance petition. The Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721 or 725.

(Board Note: See 40 CFR 270.10(e).)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.151 Application by New HWM Facilities**

a) Except as provided in paragraph (c), no person shall begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and having received a finally effective RCRA permit;

b) An application for a permit for a new HWM facility (including both Part A and Part B) may be filed at any time after promulgation of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit in the facility; Except as provided in paragraph (c), all applications must be submitted to the Agency at least 180 days before physical construction is expected to commence;

c) Prior to the effective date of standards in 35 Ill. Adm. Code 724, Subpart I, et seq., which are applicable to it, a person may begin physical construction of a new HWM facility, except those including landfills, injection wells, land treatment units or surface impoundments (as defined in 35 Ill. Adm. Code 720.110), without having received a finally effective RCRA permit, if, prior to beginning physical construction, such person has:

1) Obtained any Federal, State and local approvals or permits necessary to begin physical construction;

2) Submitted Part A of the permit application; and

3) Made a committment to complete physical construction of the TSD unit within a reasonable time;

d) Such persons may continue physical construction of the HWM facility after the effective date of the standards applicable to it if the person submits Part B of the permit appliaction on or before the effective date of such standards (or on some later date specified by the Agency.) Such person must not operate the HWM facility without having received a finally effective RCRA permit.

(Board Note: See 40 CFR 122.22(b).)

**Section 703.152 Amended Part A Application**

a) If any owner or operator of an HWM facility has filed Part A of a permit application and has not yet filed Part B, the owner or operator shall file an amended Part A application with the Agency:

1) No later than the effective date of revised regulations under 35 Ill. Adm. Code 721 listing or identifying additional hazardous wastes, if the facility is treating, storing or disposing of any of those newly listed or identified wastes;

2) As necessary to comply with provisions of Section 703.155 for changes during interim status;

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

(Board Note: See 40 CFR 270.10(g).)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.153 Qualifying for Interim Status**

Any person who owns or operates an "existing HWM facility" shall have interim status and shall be treated as having been issued a permit to the extent he or she has:

a) Complied with the requirements of Section 3010(a) of the Resource Conservation and Recovery Act pertaining to notification of hazardous waste activity;

(Board Note: Some existing facilities may not be required to file a notification under Section 3010(a) of RCRA. These facilities may qualify for interim status by meeting paragraph (b).)

b) Complied with the requirements of Sections 703.150 and 703.152 governing submission of Part A applications;

c) Failure to qualify for interim status. If the Agency has reason to belive upon examination of a Part A application that it fails to meet the requirements of 35 Ill. Adm. Code 702.123 or 703.181, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the Agency's belief that the application is deficient. The owner or operator shall have 30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in its Part A application. If, after such notification and opportunity for response, the Agency determines that the application is deficient it may take appropriate enforcement action.

(Board Note: See 40 CFR 270.70.)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.154 Prohibitions During Interim Status**

During the interim status period the facility shall not:

a) Treat, store or dispose of hazardous waste not specified in Part A of the permit application;

b) Employ processes not specified in Part A of the permit application;

c) Exceed the design capacities specified in Part A of the permit application.

(Board Note: See 40 CFR 122.23(b).)

**Section 703.155 Changes During Interim Status**

a) New hazardous wastes not previously identified in Part A of the permit application may be treated, stored or disposed of at a facility if the owner or operator submits a revised Part A permit application prior to such a change;

b) Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because of a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities;

c) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:

1) It is necessary to prevent a threat to human health or the environment because of an emergency situation; or

2) It is necessary to comply with Federal and State regulations, including 35 Ill. Adm. Code 725;

d) Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725, Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with that Subpart. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with that Subpart, the Agency shall notify the old owner or operator in writing that it no longer needs to comply with that Part as of the date of demonstration;

e) In no event shall changes be made to an HWM facility during interim status which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility.

(Board Note: See 40 CFR 122.23(c).)

**Section 703.156 Interim Status Standards**

During interim status, owners or operators shall comply with the interim status standards at 35 Ill. Adm. Code 725.

(Board Note: See 40 CFR 122.23(d).)

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

Interim status terminates when:

a) Final administrative disposition of a permit application is made; or

b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.

(Note: See 40 CFR 122.23(e).)

**Section 703.158 Permits for Less Than an Entire Facility**

The Agency may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

## SUBPART D: APPLICATIONS

**Section 703.180 Applications in General**

a) This Subpart contains requirements for applications for RCRA permits. A "Part A" application is required of all facilities to obtain interim status. The "Part B" application is a prerequisite to an actual permit, and need be filed for an existing facility with interim status only when requested. New facilities must file Part A and Part B at the same time;

b) Subpart E contains requirements for applications for emergency permits, trial burn permits and land treatment demonstration permits;

c) The application package consists of the following:

1) Information required by 35 Ill. Adm. Code 702.123;

2) Part A (Section 703.181);

3) Part B:

A) General information (Section 703.183);

B) Facility location information (Section 703.184);

C) Groundwater protection intormation, if required (Section 703.185);

D) Specific information for each type of TSD unit, i.e. tanks, surface impoundments, landfills, etc. (Sections 703.200 et seq.);

E) Additional information to demonstrate compliance with 35 Ill. Adm. Code 724 (Section 703.183(t));

F) Information for trial burn permits and land treatment demonstrations (Subpart E).

**Section 703.181 Contents of Part A**

In addition to the information in 35 Ill. Adm. Code 702.123, Part A of the RCRA application shall include the following information:

a) The latitude and longitude of the facility;

b) The name, address and telephone number of the owner of the facility;

c) An indication of whether the facility is new or existing and whether it is a first or revised application;

d) For existing facilities, a scale drawing of the facility showing the location of all past, present and future treatment, storage and disposal areas;

e) For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage and disposal areas; and sites of future treatment, storage and disposal areas;

f) A description of the processes to be used for treating, storing and disposing of hazardous waste, and the design capacity of these items;

g) A specification of the hazardous wastes listed or designated under 35 Ill. Adm. Code 721 to be treated, stored or disposed at the facility, an estimate of the quantity of such wastes to be treated, stored or disposed annually, and a general description of the processes to be used for such wastes.

(Board Note: See 40 CFR 122.24.)

**Section 703.182 Contents of Part B**

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the Agency may make allowance for submission of such information on a case by case basis. Information required in Part B shall be submitted to the Agency and signed in accordance with requirements in 35 Ill. Adm. Code 702.126. Certain technical data, such as design drawings and specifications and engineering studies, shall be certified by a registered professional engineer. Part B of the RCRA application includes the following:

a) General information (Section 703.183);

b) Facility location information (Section 703.184);

c) Groundwater protection information (Section 703.185);

d) Specific information (Section 703.200 et seq.).

(Board Note: See 40 CFR 122.25).)

**Section 703.183 General Information**

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

a) A general description of the facility;

b) Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;

c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);

d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;

e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Including, where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.294, 724.326, 724.354, 724.373 and 724.403;

f) A justification of any request for a waiver(s) of the preparedness and prevention requirements of 35 Ill. Adm. Code 724, Subpart C;

g) A copy of the contingency plan required by 35 Ill. Adm. Code 724, Subpart D;

(Board Note: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.)

h) A description of procedures, structures or equipment used at the facility to:

1) Prevent hazards in unloading operations (for example, ramps, special forklifts);

2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

3) Prevent contamination of water supplies;

4) Mitigate effects of equipment failure and power outages; and

5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing);

i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

j) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);

k) Facility location information as required by Section 703.184;

l) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212

and 724.218. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451;

n) For existing facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by 35 Ill. Adm. Code 724.220;

o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 plus a copy of the financial assurance mechanism adopted in compliance with 35 Ill. Adm. Code 724.243.

p) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 plus a copy of the financial assurance mechanism adopted in compliance with 35 Ill. Adm. Code 724.245;

q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

1) Map scale and date;

2) 100-year floodplain area;

3) Surface waters including intermittent streams;

4) Surrounding land uses (residential, commercial, agricultural, recreational);

5) A wind rose (i.e., prevailing windspeed and direction);

6) Orientation of the map (north arrow);

7) Legal boundaries of the HWM facility site;

8) Access control (fences, gates);

9) Injection and withdrawal wells both on-site and off-site;

10) Buildings; treatment, storage or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);

11) Barriers for drainage or flood control;

12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored or disposed (include equipment cleanup areas);

(Board Note: For large HWM facilities, the Agency will allow the use of other scales on a case by case basis.)

t) Applicants may be required to submit such information as may be necessary to enable the Agency to determine whether a permit should be issued and what conditions to impose in any permit issued.

(Board Note: See 40 CFR 270.14(b).)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.184 Facility Location Information**

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

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

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

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

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

(Board Note: Paragraphs (a)(1), (a)(2), (a)(3) and (a)(4) request information necessary to allow the Agency to determine the applicability of Section 21(k) requirements. These provisions are not intended to modify the requirements of the Act. For example, the operator is required to give the location of wells on its own property, even though the Agency might find that these do not prohibit the site location.)

5) Documentation showing approval of municipalities if such approval is required by Section 21(k) of the Act;

c) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where a FIA map is not available. Information shall also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating or maintaining the facility to withstand washout from a 100-year flood;

(Board Note: Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the FIA map excludes an area (usually areas of the flood

plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation would be.)

d) Owners and operators of facilities located in the 100-year floodplain must provide the following information:

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

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

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

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

B) A description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the regulations under 35 Ill. Adm. Code 702, 703, 724 and 725;

C) The planned procedures, equipment and personnel to be used and the means to ensure that such resources will be available in time for use;

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

e) Existing facilities not in compliance with 35 Ill. Adm. Code 724.118(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such facilities should file a concurrent variance petition with the Board;

f) Owners or operators of new regional pollution control facilities, as defined in Section 3 of the Environmental Protection Act, must provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act.

(Board Note: See 40 CFR 122.25(a)(11).)

**Section 703.185 Groundwater Protection Information**

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste surface impoundments, piles, land treatment units and landfills, except as otherwise provided in 35 Ill. Adm. Code 724.190(b).

a) A summary of the groundwater monitoring data obtained during the interim status period under 35 Ill. Adm. Code 725.190 through 725.194, where applicable;

b) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

c) On the topographic map required under Section 703.183(s), a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under 35 Ill. Adm. Code 724.195, the proposed location of groundwater monitoring wells as required under 35 Ill. Adm. Code 724.197 and, to the extent possible, the information required in paragraph (b);

d) A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:

1) Delineates the extent of the plume on the topographic map required under Section 703.183(s);

2) Identifies the concentration of each 35 Ill. Adm. Code 721, Appendix H constituent throughout the plume or identifies the maximum concentrations of each 35 Ill. Adm. Code 721, Appendix H constituent in the plume;

e) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of 35 Ill. Adm. Code 724.197;

f) If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data and analyses to establish a detection monitoring program which meets the requirements of 35 Ill. Adm. Code 724.198. This submission must address the following items as specified under that Section.

1) A proposed list of indicator parameters, waste constituents or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

2) A proposed groundwater monitoring system;

3) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

4) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

g) If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data and analyses to establish a compliance monitoring program which meets the requirements of 35 Ill. Adm. Code 724.199. The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of 35 Ill. Adm. Code 724.200, except as provided in 35 Ill. Adm. Code 724.198(h)(5). To demonstrate compliance with 35 Ill. Adm. Code 724.199, the owner or operator must address the following items:

1) A description of the wastes previously handled at the facility;

2) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

3) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with 35 Ill. Adm. Code 724.197 and 724.199;

4) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in 35 Ill. Adm. Code 724.194(a), including a justification for establishing any alternate concentration limits;

5) Detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of 35 Ill. Adm. Code 724.197; and

6) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

h) If hazardous constituents have been measured in the groundwater which exceed the concentration limits established under 35 Ill. Adm. Code 724.194, Table 1, or if groundwater monitoring conducted at the time of permit application under 35 Ill. Adm. Code 725.190 through 725.194 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of 35 Ill. Adm. Code 724.200. However, an owner or operator is not required to submit information to establish a corrective action program if it demonstrates to the Agency that alternate concentration limits will protect human health and the environment after considering the criteria listed in 35 Ill. Adm. Code 724.194(b). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of paragraph (f) and 35 Ill. Adm. Code 724.199. To demonstrate compliance with 35 Ill. Adm. Code 724.200, the owner or operator must address, at a minimum, the following items:

1) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

2) The concentration limit for each hazardous constituent found in the groundwater as set forth in 35 Ill. Adm. Code 724.194;

3) Detailed plans and an engineering report describing the corrective action to be taken; and

4) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.

(Board Note: See 40 CFR 270.14(c).)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.200 Specific Information**

Additional information is required in the Part B application by the following Sections from owners or operators of specific types of TSD unit:

a) Containers (Section 703.201);

b) Tanks (Section 703.202);

c) Surface impoundments (Section 703.203);

d) Waste piles (Section 703.204);

e) Incinerators (Section 703.205);

f) Land treatment (Section 703.206);

g) Landfills (Section 703.207).

(Board Note: See 40 CFR 122.25(b).)

**Section 703.201 Containers**

For facilities that store containers of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.270, the Part B application must include:

a) A description of the containment system to demonstrate compliance with 35 Ill. Adm. Code 724.275. Show at least the following:

1) Basic design parameters, dimensions and materials of construction;

2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;

3) Capacity of the containment system relative to the number and volume of containers to be stored;

4) Provisions for preventing or managing run-on;

5) How accumulated liquds can be analyzed and removed to prevent overflow;

b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 724.275(c), including:

1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

c) Sketches, drawings or data demonstrating compliance with 35 Ill. Adm. Code 724.276 (location of buffer zone and containers holding ignitable or reactive wastes) and Section 724.277(c) (location of incompatible wastes), where applicable;

d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 724.117(b) and (c), and 724.277(a) and (b).

(Board Note: See 40 CFR 122.25(b)(1).)

**Section 703.202 Tanks**

For facilities that use tanks to store or treat hazardous waste, except as otherwise provided in 35 Ill. Adm. code 724.290, description of design and operation procedures which demonstrate compliance with the requirements of 35 Ill. Adm. Code 724.291, 724.292, 724.298 and 724.299, including:

a) References to design standards or other available information used (or to be used) in design and construction of the tank;

b) A description of design specifications including identification of construction materials and lining

materials (include pertinent characteristics such as corrosion or erosion resistance);

c) Tank dimensions, capacity and shell thickness;

d) A diagram of piping, instrumentation and process flow;

e) Description of feed systems, safety cutoff, bypass systems and pressure controls (e.g., vents);

f) Description of procedures for handling incompatible ignitable or reactive wastes, including the use of buffer zones.

(Board Note: See 40 CFR 122.25(b)(2).)

**Section 703.203 Surface Impoundments**

For facilities that store, treat or dispose of hazardous waste in surface impoundments, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

a) A list of the hazardous wastes placed or to be placed in each surface impoundment;

b) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.321. This submission must address the following items as specified in that Section:

1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by 35 Ill. Adm. Code 724.321(b), submit detailed plans and engineering and hydrogeologic reports as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

2) Prevention of overtopping; and

3) Structural integrity of dikes;

c) If an exemption from 35 Ill. Adm. Code 724, Subpart F is sought, as provided by 35 Ill. Adm. Code 724.322(a), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liner;

d) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.326(a) and (b). This information should be included in the inspection plan submitted under Section 703.183(e);

e) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under 35 Ill. Adm. Code 724.326(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

f) A description of the procedure to be used for removing a surface impoundment from service, as required under 35 Ill. Adm. Code 724.327(b) and (c). This information should be included in the contingency plan submitted under Section 703.183(g);

g) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under 35 Ill. Adm. Code 724.328 (a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.328(a)(2) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m);

h) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.329 will be complied with;

i) If incompatible wastes, or incompatible wastes and materials, will be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.330 will be complied with.

(Board Note: See 40 CFR 270.17.)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.204 Waste Piles**

For facilities that store or treat hazardous waste in waste piles, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

a) A list of hazardous wastes placed or to be placed in each waste pile;

b) If an exemption is sought to 35 Ill. Adm Code 724.351 and 724, Subpart F as provided by 724.350(c), an explanation of how the requirements of 35 Ill. Adm. Code 724.350(c) will be complied with;

c) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.351. This submission must address the following items as specified in that Section:

1) The liner system (except for an existing portion of a pile). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.351(b), the owner or operator must submit detailed plans and engineering and hydrogeologic reports as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

2) Control of run-on;

3) Control of run-off;

4) Management of collection and holding units associated with run-on and run-off control systems; and

5) Control of wind dispersal of particulate matter, where applicable;

d) If an exemption from 35 Ill. Adm. Code 724, Subpart F is sought as provided by 35 Ill. Adm. Code 724.352 or 724.353, submit detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.352(a) or 724.353(a) will be complied with;

e) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill.

Adm. Code 724.354(a) and (b). This information should be included in the inspection plan submitted under Section 703.183(g). If an exemption is sought to 35 Ill. Adm. Code 724, Subpart F pursuant to 35 Ill. Adm. Code 724.353, describe in the inspection plan how the inspection requirements of 35 Ill. Adm. Code 724.353(a)(3) will be complied with;

f) If the treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

g) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of 35 Ill. Adm. Code 724.356 will be complied with;

h) If incompatible wastes, or incompatible wastes and materials, will be placed in a waste pile, an explanation of how 35 Ill. Adm. Code 724.357 will be complied with;

i) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under 35 Ill. Adm. Code 724.358(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.410(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

(Board Note: See 40 CFR 270.18.)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.205 Incinerators**

For facilities that incinerate hazardous waste, except as 35 Ill. Adm. Code 724.440 provides otherwise, the applicant must fulfill the requirements of paragraphs (a), (b) or (c) in completing the Part B application:

*a) When seeking exemption under 35 Ill. Adm. Code 724.440 (b) or (c) (ignitable, corrosive or reactive wastes only):

1) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or

2) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or

3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721, Subpart C; or

4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) or (8), and that it will not be burned when other hazardous wastes are present in the combustion zone; or

b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with
Section 703.222 et seq.; or

c) In lieu of a trial burn, the applicant may submit the following information:

1) An analysis of each waste or mixture of wastes to be burned including:

A) Heat value of the waste in the form and composition in which it will be burned;

B) Viscosity (if applicable), or description of physical form of the waste;

C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721, Appendix H, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721, Appendix H which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 703.110 and referenced in 35 Ill. Adm. Code 721, Appendix C), or their equivalent;

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 703.110);

E) A quantification of those hazardous constituents in the waste which may be designated as POHCs based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;

2) A detailed engineering description of the incinerator, including:

A) Manufacturer's name and model number of incinerator;

B) Type of incinerator;

C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

D) Description of auxiliary fuel system (type/feed);

E) Capacity of prime mover;

F) Description of automatic waste feed cutoff system(s);

G) Stack gas monitoring and pollution control monitoring system;

H) Nozzle and burner design;

I) Construction materials;

J) Location and description of temperature, pressure and flow indicating devices and control devices;

3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in paragraph (c)(1). This analysis should specify the POHCs which the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;

4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

5) A description of the results submitted from any previously conducted trial burn(s) including:

A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;

B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

C) The certification and results required by paragraph (b);

6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445 including:

A) Expected carbon monoxide (CO) level in the stack exhaust gas;

B) Waste feed rate;

C) Combustion zone temperature;

D) Indication of combustion gas velocity;

E) Expected stack gas volume, flow rate and temperature;

F) Computed residence time for waste in the combustion zone;

G) Expected hydrochloric acid removal efficiency;

H) Expected fugitive emissions and their control procedures;

I) Proposed waste feed cut-off limits based on the identified significant operating parameters;

7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of 35 Ill. Adm. Code 724, Subpart 0, and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act;

8) Waste analysis data, including that submitted in paragraph (c)(1), sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required;

d) The Agency shall approve a permit application without a trial burn if it finds that:

1) The wastes are sufficiently similar; and

2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in35 Ill. Adm. Code 724.443 will be met by the incinerator.

(Board Note: See 40 CFR 122.25(b)(5).)

**Section 703.206 Land Treatment**

For facilities that use land treatment to dispose of hazardous waste, except as otherwise provided in 35 Ill. Adm. code 724.101, the Part B application must include:

a) A description of plans to conduct treatment demonstration as required under 35 Ill. Adm. Code 724.372. The description must include the following information:

1) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;

2) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field, data or operating data);

3) Any specific laboratory or field test that will be conducted, including:

A) the type of test (e.g., column leaching, degradation);

B) materials and methods, including analytical procedures;

C) expected time for completion;

D) characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions and operating practices;

b) A description of a land treatment program, as required under 35 Ill. Adm. Code 724.371. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

1) The wastes to be land treated;

2) Design measures and operating practices necessary to maximize treatment in accordance with 35 Ill. Adm. Code 724.373(a) including:

A) Waste application method and rate;

B) Measures to control soil pH;

C) Enhancement of microbial or chemical reactions;

D) Control of moisture content;

3) Provisions for unsaturated zone monitoring, including:

A) Sampling equipment, procedures and frequency;

B) Procedures for selecting sampling locations;

C) Analytical procedures;

D) Chain of custody control;

E) Procedures for establishing background values;

F) Statistical methods for interpreting results;

G) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in 35 Ill. Adm. Code 724.378(a);

4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to 35 Ill. Adm. Code 724.113;

5) The proposed dimensions of the treatment zone;

c) A description of how the unit is or will be designed, constructed, operated and maintained in order to meet the requirements of 35 Ill. Adm. Code 724.373. This submission must address the following items:

1) Control of run-on;

2) Collection and control of run-off;

3) Minimization of run-off of hazardous constituents from the treatment zone;

4) Management of collection and holding facilities associated with run-on and run-off control systems;

5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under Section 703.183(e);

6) Control of wind dispersal of particulate matter, if applicable;

d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under 35 Ill. Adm. Code 724.376(a) will be conducted including:

1) Characteristics of the food-chain crop for which the demonstration will be made;

2) Characteristics of the waste, treatment zone and waste application method and rate to be used in the demonstration;

3) Procedures for crop growth, sample collection, sample analysis and data evaluation;

4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;

e) If food-chain crops are to be grown, and cadmium is present in the land-treated waste, a description of how the requirements of 35 Ill. Adm. Code 724.376(b) will be complied with;

f) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under 35 Ill. Adm. Code 724.380(a)(8) and (c)(2). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under Section 703.183(m);

g) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of 35 Ill. Adm. Code 724.381 will be complied with;

h) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how 35 Ill. Adm. Code 724.382 will be complied with.

(Board Note: See 40 CFR 122.25(b)(6).)

**Section 703.207 Landfills**

For facilities that dispose of hazardous waste in landfills, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;

b) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of 35 Ill. Adm. Code 724.401. This submission must address the following items as specified in that Section:

1) The liner system and leachate collection and removal system (except for an existing portion of a landfill). If an exemption from the requirements for a liner and a leachate collection and removal system is sought as provided by 35 Ill. Adm. Code 724.401(b), submit detailed plans engineering and hydrogeologic reports as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the groundwater or surface water at any future time;

2) Control of run-on;

3) Control of run-off;

4) Management of collection and holding facilities associated with run-on and run-off control systems; and

5) Control of wind dispersal of particulate matter, where applicable;

c) If an exemption from 35 Ill. Adm. Code 724, Subpart F is sought, as provided by 35 Ill. Adm. Code 724.402(a), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners and a leachate collection and removal system above the liners;

d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.403(a) and (b). This information should be included in the inspection plan submitted under Section 703.183(e);

e) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with 35 Ill. Adm Code 724.410(a), and a description of how each landfill will be maintained and monitored after closure in accordance with 35 Ill. Adm. Code 724.410(b). This information should be included in the closure and post-closure plans submitted under Section 703.183(m);

f) If ignitable or reactive wastes will be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.412 will be complied with;

g) If incompatible wastes, or incompatible wastes and materials, will be landfilled, an explanation of how 35 Ill. Adm. Code 724.413 will be complied with;

h) If bulk or non-containerized liquid waste or waste containing free liquids is to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.414 will be complied with;

i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.415 or 724.416, as applicable, will be complied with.

(Board Note: See 40 CFR 122.25(b)(7).)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

## SUBPART E: SHORT TERM AND PHASED PERMITS

### Section 703.221 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:

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:

1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;

2) Shall not exceed 90 days in duration;

3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage or disposal;

4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment;

5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including:

A) Name and address of the office granting the emergency authorization;

B) Name and location of the permitted HWM facility;

C) A brief description of the wastes involved;

D) A brief description of the action authorized and reasons for authorizing it; and

E) Duration of the emergency permit; and

6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.

7) Emergency permits which would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104.

(Board Note: See 40 CFR 270.61.)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

### Section 703.222 Incinerator Conditions Prior to Trial Burn

For the purposes of determining operational readiness following completion of physical construction, the Agency must establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Agency may extend the duration of this operation period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to 35 Ill. Adm. Code 702.187 (Minor modifications of permits):

a) Applicants must submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443 during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in 35 Ill. Adm. Code 724.445;

b) The Agency will review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

(Board Note: See 40 CFR 122.27(b)(1).)

### Section 703.223 Incinerator Conditions During Trial Burn

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

a) Applicants must propose a trial burn plan, prepared under paragraph (b) with Part B of the permit application;

b) The trial burn plan must include the following information:

1) An analysis of each waste or mixture of wastes to be burned which includes:

A) Heat value of the waste in the form and composition in which it will be burned;

B) Viscosity (if applicable), or description of physical form of the waste;

C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721, Appendix H, which are present in the waste to

be burned, except that the applicant need not analyze for constituents listed in Appendix H which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 703.110), or their equivalent;

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," (incorporated by reference, see Section 703.110) or their equivalent;

2) A detailed engineering description of the incinerator for which the permit is sought including:

A) Manufacturer's name and model number of incinerator (if available);

B) Type of incinerator;

C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;

D) Description of the auxiliary fuel system (type/feed);

E) Capacity of prime mover;

F) Description of automatic waste feed cut-off system(s);

G) Stack gas monitoring and pollution control equipment;

H) Nozzle and burner design;

I) Construction materials;

J) Location and description of temperature, pressure and flow indicating and control devices;

3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and planned analytical procedures for sample analysis;

4) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned and other factors relevant to the Agency's decision under paragraph (e);

5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

6) A description of, and planned operating conditions for, any emission control equipment which will be used;

7) Procedures for rapidly stopping waste feed, shutting down the incinerator and controlling emissions in the event of an equipment malfunction;

8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this paragraph and the criteria in paragraph (e);

c) The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this paragraph;

d) Based on the waste analysis data in the trial burn plan, the Agency will specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in 35 Ill. Adm. Code 721, Subpart D, the hazardous waste organic constituent of constituents identified in Appendix G or H of that Part as the basis for listing;

e) The Agency shall approve a trial burn plan if it finds that:

1) The trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;

2) The trial burn itself will not present an imminent hazard to human health or the environment;

3) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and

4) The information sought in paragraphs (e)(1) and (e)(3) cannot reasonably be developed through other means;

f) During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;

2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's, molecular oxygen and hydrogen chloride (HCl);

3) A quantitative analysis of the scrubber water (if any), ash residues and other residues, for the purpose of estimating the fate of the trial POHCs;

4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);

5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with 35 Ill. Adm. Code 724.443(b);

6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);

7) An identification of sources of fugitive emissions and their means of control;

8) A measurement of average, maximum and minimum temperatures and combustion gas velocity;

9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;

10) Such other information as the Agency may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard.

g) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in paragraph (f). This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Agency;

h) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;

i) All submissions required by this paragraph must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;

j) Based on the results of the trial burn, the Agency shall set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification shall proceed as a minor modification according to 35 Ill. Adm. Code 702.187.

(Board Note: See 40 CFR 270.62.)

*(Source: Amended at 9 Ill. Reg. 11899, effective July 24, 1985)*

**Section 703.224 Incinerator Conditions After Trial Burn**

For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Agency may establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of 35 Ill. Adm. Code 724.445, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submission of the trial burn results by the applicant and modification of the facility permit by the Agency:

a) Applicants must submit a statement, with Part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443, during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in 35 Ill. Adm. Code 724.445;

b) The Agency will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

(Board Note: See 40 CFR 122.27(b)(3).)

**Section 703.225 Trial Burns for Existing Incinerators**

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the applicant for a permit to an existing hazardous waste incinerator may prepare and submit a trial burn plan and perform a trial burn in accordance with Section 703.223(b) through (i). Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in Section 703.223(f), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period to be specified by the Agency.

(Board Note: See 40 CFR 122.27(b)(4).)

**Section 703.230 Land Treatment Demonstration**

a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of 35 Ill. Adm. Code 724.372, the Agency may issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in 35 Ill. Adm. Code 724.372(c). The permit may be issued either as a treatment or disposal permit covering only the field test or laboratory analyses, or as a two phase facility permit covering the field tests, or laboratory analyses and design, construction, operation and maintenance of the land treatment unit;

1) The Agency may issue a two-phase facility permit if it finds that, based on information submitted in Part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit;

2) If the Agency finds that not enough information exists upon which it can establish permit conditions to attempt to provide for compliance with all of the requirements of 35 Ill. Adm. Code 724, Subpart M, it must issue a treatment demonstration permit covering only the field test or laboratory analyses;

b) If the Agency finds that a phased permit may be issued, it will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities and any other conditions which the Agency finds may be necessary under 35 Ill. Adm. Code 724.372(c). The Agency will include conditions in the second phase of the facility permit to attempt to meet all 35 Ill. Adm. Code 724, Subpart M requirements pertaining to unit design, construction, operation and maintenance. The Agency will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application:

1) The first phase of the permit will be effective as provided in 35 Ill. Adm. Code 705.201(d);

2) The second phase of the permit will be effective as provided in paragraph (d);

c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, it must submit to the Agency a certification, signed by a person authorized to sign a permit application or report under 35 Ill. Adm. Code 702.126, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Agency approves a later date;

d) If the Agency determines that the results of the field tests or laboratory analyses meet the requirements of 35 Ill. Adm. Code 724.372, it will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with 35 Ill. Adm. Code 724, Subpart M, based upon the results of the field tests or laboratory analyses.

1) This permit modification may proceed as a minor modification under 35 Ill. Adm. Code 702.187, provided any such change is minor, or otherwise will proceed as a modification under 35 Ill. Adm. Code 702.184(b);

2) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the Agency will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in 35 Ill. Adm Code 705.201(d);

3) If modifications under 35 Ill. Adm. Code 702.184(b) are necessary, the second phase of the permit will become effective only after those modifications have been made.

(Board Note: See 40 CFR 122.27(c).)

## SUBPART F: PERMIT CONDITIONS

### Section 703.241 Establishing Permit Conditions

a) In addition to the conditions established under 35 Ill. Adm. Code 702.160(a), each RCRA permit shall include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 35 Ill. Adm. Code 724. In satisfying this provision, the Agency may incorporate applicable requirements of 35 Ill. Adm. Code 724 directly into the permit or establish other permit conditions that are based on these Parts;

(Board Note: See 40 CFR 122.29)

b) The conditions specified in the following Section, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

(Board Note: See 40 CFR 122.28.)

### Section 703.242 Noncompliance Pursuant to Emergency Permit

In addition to 35 Ill. Adm. Code 702.141 (duty to comply): the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See Section 703.221).

(Board Note: See 40 CFR 122.28(a).)

### Section 703.243 Monitoring

In addition to 35 Ill. Adm. Code 702.150 (monitoring): the permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

(Board Note: See 40 CFR 122.28(b).)

### Section 703.244 Notice of Planned Changes

In addition to 35 Ill. Adm. Code 702.152(a) (notice of planned changes): for a new HWM facility, the permittee may not commence treatment, storage or disposal of hazardous waste; and for a facility being modified the permittee may not treat, store or dispose of hazardous waste in the modified portion of the facility, until:

a) The permittee has submitted to the Agency by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

b)

1) The Agency has inspected the modified or newly constructed facility and finds it is in compliance with the condition of the permit; or

2) If, within 15 days of the date of submission of the letter in paragraph (a), the permittee has not received notice from the Agency of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage or disposal of hazardous waste.

(Board Note: See 40 CFR 122.28(c).)

### Section 703.245 Release or Discharge Reports

a) The following shall be included as information which must be reported orally within 24 hours under 35 Ill. Adm. Code 702.152(f):

1) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies;

2) Any information of a release or discharge of hazardous waste, or of a fire or explosion from a HWM facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

A) Name, address and telephone number of the owner or operator;

B) Name, address and telephone number of the facility;

C) Date, time and type of incident;

D) Name and quantity of material(s) involved;

E) The extent of injuries, if any;

F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

G) Estimated quantity and disposition of recovered material that resulted from the incident;

b) The Agency may waive the five day written notice requirement in favor of a written report within fifteen days.

(Board Note: See 40 CFR 122.28(d).)

**Section 703.246 Reporting Requirements**

The following reports required by 35 Ill. Adm. Code 724 shall be submitted in addition to those required by 35 Ill. Adm. Code 702.152 (reporting requirements):

a) Manifest discrepancy report: if a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report including a copy of the manifest to the Agency (See 35 Ill. Adm. Code 724.172);

b) Unmanifested waste report: must be submitted to the Agency within 15 days of receipt of unmanifested waste. (See 35 Ill. Adm. Code 724.176)

c) Annual report: an annual report must be submitted covering facility activities during the previous calendar year (See 35 Ill. Adm. Code 724.175).

(Board Note: See 40 CFR 122.28(e).)

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

# PART 704
# UIC PERMIT PROGRAM

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*AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1013, 1022.4 and 1027).*

*SOURCE: Adopted in R81-32, at 47 PCB 95, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19, at 7 Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106; amended in R83-39, at 7 Ill. Reg. 17338, effective December 19, 1983.*

## SUBPART A: GENERAL PROVISIONS

### Section 704.101 Content

The regulations in this subpart set forth the specific requirements for the UIC permit program. The regulations in this Subpart are supplemental to the requirements in 35 Ill. Adm. Code 702, which contains requirements for both the RCRA and UIC permit programs.

(Note: See 40 CFR 122.31(a).)

### Section 704.102 Scope of the Permit or Rule Requirement

Although five classes of wells are set forth in Section 704.106, the UIC (Underground Injection Control) permit program described in 35 Ill. Adm. Code 702, 704, 705 and 730 regulates underground injection for only four classes of wells (see definition of "well injection," 35 Ill. Adm. Code 702.110). Class II wells (Section 704.106(b)) are not subject to the requirements found in 35 Ill. Adm. Code 702, 704, 705 and 730. The UIC permit program for Class II wells will be adopted by the Illinois Department of Mines and Minerals pursuant to Section 1425 of the SDWA (Safe Drinking Water Act, 42 U.S.C. 300f). All owners or operators of Class I, III, IV or V injection wells must be authorized either by permit or rule. In carrying out the mandate of the SDWA, this Part provides that no injection shall be authorized by permit or rule if it results in movement of fluid containing any contaminant into underground sources of drinking water (USDWs) (Section 704.122) if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR 142 or may adversely affect the health of persons (Section 704.122). Existing Class IV wells which inject hazardous waste directly into an underground source of drinking water are to be eliminated over a period of six months and new such Class IV wells are to be prohibited (Section 704.124). Class V wells will be inventoried and assessed and regulatory action will be established at a later date. In the meantime, if remedial action appears necessary, an individual permit may be required (Subpart C) or the Agency must require remedial action or closure by order (Section 704.122(c)).

(Board Note: See 40 CFR 122.31(d).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 704.103 Identification of Aquifers

During UIC program development, the Agency may identify aquifers and portions of aquifers which are actual or potential sources of drinking water. This identification will provide an aid to the Agency in carrying out its duty to protect all USDWs. An aquifer is a USDW if it fits the definition, even if it has not been "identified." (35 Ill. Adm. Code 702.106)

(Note: See 40 CFR 122.31(d).)

### Section 704.104 Exempted Aquifers

The Board may designate "exempted aquifers" using criteria in 35 Ill. Adm. Code 730. Such aquifers are those which would otherwise qualify as "underground sources of drinking water" to be protected, but which have no real potential to be used as drinking water sources. Therefore they are not USDWs. No

aquifer is an "exempted aquifer" until it has been affirmatively designated under the procedures in Section 704.123. Aquifers which do not fit the definition of "underground sources of drinking water" are not "exempted aquifers." They are simply not subject to the special protection afforded USDWs. (See 35 Ill. Adm. Code 702.105)

(Note: See 40 CFR 122.31(d).)

**Section 704.105 Specific Inclusions and Exclusions**

a) The following wells are included among those types of injection activities which are covered by the UIC regulations. (This list is not intended to be exclusive but is for clarification only.)

1) Any injection well located on a drilling platform inside territorial waters of the State of Illinois;

2) Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids;

3) Any septic tank or cesspool used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste;

4) Any septic tank, cesspool or other well used by a multiple dwelling, community or regional system for the injection of wastes.

b) The following are not covered by these regulations:

1) Injection wells located on a drilling platform or other site that is beyond the territorial waters of the State of Illinois;

2) Individual or single family residential waste disposal systems such as domestic cesspools or septic systems;

3) Nonresidential cesspools, septic systems or similar waste disposal systems if such systems are used solely for the disposal of sanitary waste, and have the capacity to serve fewer than 20 persons a day;

4) Injection wells used for injection of hydrocarbons which are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage;

5) Any dug hole which is not used for emplacement of fluids underground;

6) Class II wells.

c) The prohibition applicable to Class IV wells under Section 704.124 does not apply to injections of hazardous wastes into aquifers or portions thereof which have been exempted pursuant to 35 Ill. Adm. Code 730.104.

(Board Note: See 40 CFR 122.31(d).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 704.106 Classification of Injection Wells**

Injection wells are classified as follows:

a) Class I

1) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within 402 meters (one-quarter mile) of the well bore, and underground source of drinking water.

2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within 402 meters (one quarter mile) of the well bore, an underground source of drinking water.

b) Class II. Wells which inject fluids:

1) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

2) For enhanced recovery of oil or natural gas; and

3) For storage of hydrocarbons which are liquid at standard temperature and pressure.

c) Class III. Wells which inject for extraction of mineral, including:

1) Mining of sulfur by the Frasch process;

2) In situ production of uranium or other metals; this category includes only in situ production from ore bodies which have not been conventionally mined. Solution of conventional mines such as stopes leaching is included in Class V;

3) Solution mini salts or potash.

d) Class IV.

1) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into a formation which within 402 meters (one quarter mile) of the well contains an underground source of drinking water.

2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within 402 meters (one-quarter mile) of the well contains an underground source of drinking water.

3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classifed under paragraphs (a)(1) or (d)(1) and (d)(2) (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to 35 Ill. Adm. Code 730.104).

e) Class V. Injection wells not included in Classes I, II, III, or IV.

(Board Note: See 40 CFR 122.32.)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 704.107 Definitions**

The definitions of 35 Ill. Adm. Code 702 apply to Part 704.

## SUBPART B: PROHIBITION

**Section 704.121 Prohibition of Unauthorized Injection**

Underground injection is prohibited except as authorized by permit or rule issued under this part and 35 Ill. Adm. Code 705 as applicable. The construction of any well required to have a permit under this part is prohibited until the permit has been issued.

(Note: See 40 CFR 122.33.)

**Section 704.122 Prohibition of Movement of Fluid into**

a) No owner or operator shall construct, operate, maintain, convert, plug, abandon or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirement of this parapgraph are met.

b) For Class I and III wells, if any water quality monitoring of an underground source of drinking water indicates the movement of a contaminant into the underground source of drinking water, except as authorized under 35 Ill. Adm. Code 730, the Agency shall prescribe such additional requirements for construction, corrective action, operation, monitoring or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with 35 Ill. Adm. Code 702.183 through 702.185 or the permit may be subject to revocation under 35 Ill. Adm. Code 702.186 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see Section 704.141.

c) For Class V wells, if at any time the Agency learns that a Class V well may cause a violation of primary drinking water regulations under 40 CFR 142, it shall:

1) Require the injector to obtain an individual permit;

2) Issue a permit which requires the injector to take such actions (including where required closure of the injection well) as may be necessary to prevent the violation; or

3) Take enforcement action.

d) Whenever the Agency learns that a Class V well may be otherwise adversely affecting the health of persons, it may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under paragraph (c).

e) Notwithstanding any other provision of this section, the Agency may take emergency action upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of persons.

(Board Note: See 40 CFR 144.12.)

*(Source: Amended at 7 Ill. Reg. 17338, effective December 19, 1983)*

**Section 704.123 Identification of USDW and Exempted Aquifers**

a) The Agency may identify (by narrative description, illustrations, maps or other means) and shall protect, except where exempted under paragraph (b), as an underground source of drinking water, all aquifers or parts of aquifers which meet the definition of an "underground source of drinking water" in 35 Ill. Adm. Code 702.110. Even if an aquifer has not been specifically identified by the Agency, it is an underground source of drinking water if it meets the definition in 35 Ill. Adm. Code 702.110. Identification of USDW's shall be by Agency criteria pursuant to 35 Ill. Adm. Code 702.106.

b) 2) No designation of an exempted aquifer shall be final until approved by the Administrator as part of the State program.

3) Subsequent to program approval, the Board may, after notice and opportunity for a public hearing, identify additional exempted aquifers.

4) Identification of exempted aquifers shall be by rulemaking pursuant to 35 Ill. Adm. Code 702.105.

c) For Class III wells an applicant for a permit which necessitates an aquifer exemption under 35 Ill. Adm. Code 730.104(b)(1) shall furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method and a timetable of planned development of the mining zone shall be considered by the Board in addition to the information required by Section 704.161(c). Approval of the exempted aquifer shall be by rulemaking pursuant to 35 Ill. Adm. Code 702.105. Rules shall not become final until approved by the Administrator as a program revision.

(Board Note: See 40 CFR 122.35.)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 704.124 Elimination of Certain Class IV Wells**

a) In addition to the requirement of Subpart F:

1) The construction of any Class IV well for the injection of hazardous waste directly into an underground source of drinking water is prohibited;

2) The injection of hazardous waste directly into an underground source of drinking water through a Class IV well that was not in operation prior to the effective date of this Part is prohibited;

3) Any increase in the amount of hazardous waste or change in the type of hazardous waste injected into a well injecting hazardous waste directly into a USDW is prohibited.

4) The operation of any Class IV well injecting hazardous waste directly into a USDW is prohibited.

5) The effective date of Section 704.124(a)(4) is 6 months after the date of approval by USEPA of the Illinois UIC program.

b) The prohibition applicable to Class IV wells does not apply to injections of hazardous wastes into aquifers or

portions thereof which have been exempted pursuant to 35 Ill. Adm. Code 730.104.

(Note: See 40 CFR 122.36.)

## SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

### Section 704.141 Existing Class I and III Wells

Injection into existing Class I and III wells is authorized by rule for up to five years after approval of the U.I.C. program. All such wells must be issued permits within the five year period.

(Board Note: See 40 CFR 122.37(a)(1).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 704.142 Existing Class IV Wells, not into USDW (Renumbered)

*(Source: Section 704.142 renumbered to Section 702.145 and amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 704.143 Expiration of Authorization

The authorization provided in Section 704.141 shall expire upon the earliest of the following:

a) Upon the effective date of the permit or permit denial, if a permit application has been filed in a timely manner as specified in Section 704.161(b)(1); or

b) If a permit application has not been filed in a timely manner as specified in Section 704.161(b)(1); or

c) If the person authorized by rule under Section 704.141 or 704.142 fails to comply with Section 704.144 or 704.148; or

d) If the person authorized by rule under Section 704.142 fails to comply with Section 704.203; or

e) Two years after the date of approval by USEPA (United States Environmental Protection Agency) of the Illinois UIC program unless, at that time, there is a pending UIC permit application for the injection previously authorized by rule. Authorization by rule may continue during the pendency of the UIC permit application, except that any such authorization shall expire five years after the date of approval by USEPA of the Illinois UIC program.

(Board Note: See 40 CFR 122.37(a)(1)(i).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 704.144 Conditions

One year after the date of approval by USEPA of the Illinois UIC program, any person authorized by rule under Section 704.141 shall comply with the following rules applicable to permittees, except the terms "permit" and "permitee" shall be read to include rules and those persons authorized by rule :

a) Section 704.181(a) - (exemption from rule where authorized by temporary permits); and

b) Section 704.181(b) - (retention of records); and

c) Section 704.181(d) - (reporting within 24 hours); and

d) Section 704.181(e) - (180 days notice of abandonment); and

e) Section 704.188 and 35 Ill. Adm. Code 730.110 - (plugging and abandonment); and

f) Operating, monitoring, and reporting requirements (except mechanical integrity) under 35 Ill. Adm. Code 730.113 (Class I) and 35 Ill. Adm. Code 730.133 (Class III); and

g) Section 704.189 - (financial responsibility); and

h) Section 704.203 - (requirement for wells injecting hazardous waste) applicable to Class I wells injecting hazardous waste only.

(Board Note: See 40 CFR 122.37(a)(1)(iii).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 704.145 Existing Class IV Wells

a) Injection into existing Class IV wells as defined in Section 704.106(d)(1) is authorized for a period not to exceed six months after approval of the UIC program. The owner or operator of any such well must comply with Section 704.203.

b) Injection into existing Class IV wells as defined in Sections 704.106(d)(2) and (d)(3) are authorized until six months after approval of the UIC program. The owner or operator of any such wells must comply with Section 704.203.

(Board Note: See 40 CFR 122.37(a)(3).)

*(Source: Section 704.145 renumbered from Section 704.142 and amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 704.146 Class V Wells

Injection into Class V wells is authorized by rule until requirements under future regulations become applicable.

(Board Note: See 40 CFR 122.37(a)(4).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 704.147 Requiring a Permit

a) The Agency may require any Class I, III, IV or V injection well authorized by a rule to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

1) The injection well is not in compliance with any requirement of this subpart;

(Note: Any underground injection which violates any rule under this Subpart is subject to appropriate enforcement action.)

2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;

3) The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, which are not contained in this subpart.

b) The Agency may require the owner or operator authorized by a rule to apply for an individual or area UIC permit under this paragraph only if the owner or operator has been notified in writing that a permit application is required. The notice shall include a brief statement of the reasons for this decision; an application form; a statement setting a time for the owner or operator to file the application; and a statement that, upon the effective date of the UIC permit, the rule no longer applies to the activities regulated under the UIC programs.

c) Any owner or operator authorized by a rule may request to be excluded from the coverage of the rule by applying for an individual or area UIC permit. The owner or operator shall submit an application under Section 704.161 with reasons supporting the request, to the Agency. The Agency may grant any such request.

(Board Note: See 40 CFR 122.37(b).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 704.148 Inventory Requirements**

All injection wells authorized by rule shall submit inventory information to the Agency. Notwithstanding any other provision of this section, any authorization by rule granted under this section shall terminate if the person so authorized by rule fails to submit inventory information to the Agency within the time specified in paragraph (c).

a) Contents. As part of the inventory, owner or operator shall submit at least the following information:

1) Facility name and location;

2) Name and address of legal contact;

3) Ownership of facility;

4) Nature and type of injection wells; and

5) Operating status of injection wells.

(Note: This information is requested on national form "Inventory of Injection Wells," OMB No. 158-R0170).

b) Notice. Upon approval of the UIC program in Illinois, the Agency shall notify owners or operators of injection wells of their duty to submit inventory information. The method of notification selected by the Agency must assure that the owners or operators will be made aware of the inventory requirement.

c) Deadlines. Owners or operators of injection wells must submit inventory information no later than one year after the authorization by rule. Inventory information from any facility with interim status under RCRA is not required.

(Board Note: See 40 CFR 122.37(c).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**SUBPART D: APPLICATION FOR PERMIT**

**Section 704.161 Application for Permit; Authorization by Permit**

a) Permit application. Except as provided in Subpart C (authorization by rule), all underground injections into Class I or III wells are prohibited unless authorized by permit. Those authorized by rule under Subpart C must still apply for a permit as specified in paragraph (b). Rules authorizing well injections for which permit applications have been submitted shall lapse for a particular well injection or project upon the effective date of the permit or permit denial for that well injection or project.

b) Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Agency as follows:

1) For existing wells:

A) Within 180 days after the Agency notifies such person that an application is required; or

B) If the waste being injected into the well is a hazardous waste accompanied by a manifest or delivery document, within 180 days after the date of approval by USEPA of the Illinois UIC program; or

C) Except as otherwise provided in paragraphs (b)(1)(A) and (b)(1)(B), within two years after the date of approval by USEPA of the Illinois UIC program.

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

c) Contents of UIC application. The applicant shall demonstrate that the underground injection will not endanger drinking water sources. The form and content of the UIC permit application may be prescribed by the Agency.

(Note: See 40 CFR 122.38.)

**Section 704.162 Area Permits**

a) The Agency may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells:

1) Described and identified by location in permit application(s), if they are existing wells, except that the Agency may accept a single description of wells with substantially the same characteristics; and

2) Within the same well field, facility site, reservoir, project, or similar unit in the same State; and

3) Operated by a single owner or operator; and

4) Used to inject other than hazardous waste.

b) Area permits shall specify:

1) The area within which underground injections are authorized, and

2) The requirements for construction, monitoring, reporting, operation, and abandonment, for all wells authorized by the permit.

c) The area permit may authorize the permittee to construct and operate, convert or plug and abandon new injection wells within the permit area provided:

1) The permittee notifies the Agency at such time as the permit requires.

2) The additional well satisfies the criteria in paragraph (a) and meets the requirements specified in the permit under paragraph (b); and

3) The cumulative effects of drilling and operation of additional injection wells are considered by the Agency during evaluation of the area permit application and are acceptable to the Agency.

d) If the Agency determines that any well constructed pursuant to paragraph (c) does not satisfy any of the requirements of paragraphs (c)(1) and (c)(2) the Agency may modify the permit under 35 Ill. Adm. Code 702.183 through 702.185, or seek revocation under 35 Ill. Adm. Code 702.186, or take enforcement action. If the Agency determines that cumulative effects are unacceptable, the permit may be modified under 35 Ill. Adm. Code 702.183 through 702.185.

(Board Note: See 40 CFR 122.39.)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 704.163 Emergency Permits**

a) Coverage. Notwithstanding any other provision of this part or 35 Ill. Adm. Code 702 or 705, the Agency may temporarily permit a specific underground injection which has not otherwise been authorized by rule or permit if an imminent and substantial endangerment to the health of persons will result unless a temporary emergency permit is granted.

b) Requirements for issuance.

1) Any temporary permit under paragraph (a) shall be for no longer term than required to prevent the hazard.

2) Notice of any temporary permit under this paragraph shall be published in accordance with 35 Ill. Adm. Code 705.163 within 10 days of the issuance of the permit.

3) The temporary permit under this section may be either oral or written. If oral, it must be followed within 5 calendar days by a written temporary emergency permit.

4) The Agency shall condition the temporary permit in any manner it determines is necessary to ensure that the injection will not result in the movement of fluids into an underground source of drinking water.

(Note: See 40 CFR 122.40.)

## SUBPART E: PERMIT CONDITIONS

**Section 704.181 Additional Conditions**

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

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

b) In addition to 35 Ill. Adm. Code 702.150(b) (monitoring and records): the permittee shall retain records concerning the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188. The Agency may require the owner or operator to deliver the records to the Agency at the conclusion of the retention period.

c) In addition to 35 Ill. Adm. Code 702.152(a) (notice of planned changes): except for all new wells authorized by an area permit under Section 704.162(c), a new injection well may not commence injection until construction is complete, and

1) The permittee has submitted notice of completion of contruction to the Agency; and

2) A) The Agency has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or

B) The permittee has not received notice from the Agency of its intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (c)(1), in which case prior inspection or review is waived and the permittee may commence injection. The Agency shall include in its notice a reasonable time period in which it will inspect the well.

d) The following shall be included as information which must be reported within 24 hours under 35 Ill. Adm. Code 702.152(f):

1) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW.

2) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDW's.

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

(Board Note: See 40 CFR 122.41.)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 704.182 Establishing UIC Permit Conditions**

In addition to the conditions established under 35 Ill. Adm. Code 702.160(a), each UIC permit shall include conditions meeting the requirements of the following sections, when applicable. (Note: See 40 CFR 122.42.)

**Section 704.183 Construction Requirements**

Existing wells shall achieve compliance with construction requirements as set forth in 35 Ill. Adm. Code 730 according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. Except as authorized by an area permit, no construction may commence until a permit has been issued containing construction requirements (see Section 704.121). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Agency as minor modifications (35 Ill. Adm. Code 702.187). No such changes may be physically

incorporated into construction of the well prior to approval of the modification by the Agency.

(Note: See 40 CFR 122.42(a).)

**Section 704.184 Corrective Action**

UIC permits shall require by condition corrective action as set forth in Section 704.193 and 35 Ill. Adm. Code 730.107.
(Note: See 40 CFR 122.42(b).)

**Section 704.185 Operation Requirements.**

The permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the confining zone, that injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the 35 Ill. Adm. Code 730 operating requirements.

(Note: See 40 CFR 122.42(c).)

**Section 704.186 Hazardous Waste Requirements**

UIC permits shall require by condition requirements for wells managing hazardous waste, as set forth in Subpart F.

(Note: See 40 CFR 122.42(d).)

**Section 704.187 Monitoring and Reporting**

UIC permits shall require by condition monitoring and reporting requirements as set forth in 35 Ill. Adm. Code 730. The permittee shall be required to identify types of tests and methods used to generate the monitoring data.

(Note: See 40 CFR 122.42(e).)

**Section 704.188 Plugging and Abandonment**

Any Class I or III permit shall include, and any Class V permit may include, conditions to ensure that plugging and abandonment of the well will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another. Any applicant for a UIC permit shall be required to submit a plan for plugging and abandonment. Where the plan meets the requirements of this paragraph, the Agency shall incorporate it into the permit as a condition. Where the Agency's review of an application indicates that the permittee's plan is inadequate, the Agency shall require the applicant to revise the plan, prescribe conditions meeting the requirements of this section, or deny the application. For purposes of this section, temporary intermittent cessation of injection operations is not abandonment.

(Note: See 40 CFR 122.42(f).)

**Section 704.189 Financial Responsibility**

The permit shall require the permittee to maintain financial responsibility and resources to close, plug and abandon the underground injection wells in a manner prescribed by the Agency. The permittee must show evidence of financial responsibility to the Agency by the submission of a surety bond, or other adequate assurance, such as financial statements or other materials acceptable to the Agency.

a) A corporate surety such as an insurance or bonding company; or

b) Individual sureties, such as officers or stockholders of a corporation requesting a permit; or

c) Any other lawful security, including real estate, personal property, marketable securities or certificates of deposit.

(Board Note: See 40 CFR 122.42(g).)

*(Source: Amended at Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 704.190 Mechanical Integrity**

A permit for any Class I or III well or injection project which lacks mechanical integrity shall include, and for any Class V well may include, a condition prohibiting injection operations until the permittee shows to the satisfaction of the Agency under 35 Ill. Adm. Code 730.108 that the well has mechanical integrity.

(Note: See 40 CFR 122.42(h).)

**Section 704.191 Additional Conditions**

The Agency shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.

(Note: See 40 CFR 122.42(i).)

**Section 704.192 Waiver of Requirements by Agency**

a) When injection does not occur into, through or above an underground source of drinking water, the Agency may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than required in 35 Ill. Adm. Code 730 or Sections 704.182 through 704.191 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

b) When injection occurs through or above an underground source of drinking water, but the radius of endangering influence when computed under 35 Ill. Adm. Code 730.106(a) is smaller or equal to the radius of the well, the Agency may authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required in 35 Ill. Adm. Code 730 or Secs. 704.182 through 704.191 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

c) When reducing requirements under paragraph (a) or (b), the Agency shall prepare a fact sheet under 35 Ill. Adm. Code 705.143 explaining the reasons for the action.

(Note: See 40 CFR 122.43.)

**Section 704.193 Corrective Action**

a) Coverage. Applicants for Class I or III injection well permits shall identify the location of all known wells within the injection well's area of review which penetrate the injection zone. For such wells which are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water ("corrective action"). Where the plan is adequate, the Agency shall incorporate it into the permit as a condition. Where the Agency's review of an application indicates that the permittee's plan is inadequate (based on the factors in 35 Ill. Adm. Code 730.107), the Agency shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under paragraph (b), or deny the application.

b) Requirements

1) Existing injection wells. Any permit issued for an existing injection well requiring corrective action shall include a compliance schedule requiring any corrective action accepted or prescribed under paragraph (a) to be completed as soon as possible.

2) New injection wells. No permit for a new injection well may authorize injection until all required corrective action has been taken.

3) Injection pressure limitation. The Agency may require as a permit condition that injection pressure be so limited that pressure in the injection zone does not exceed hydrostatic pressure at the site of any improperly completed or abandoned well within the area of review. This pressure limitation shall satisfy the corrective action requirement. Alternatively, such injection pressure limitation can be part of a compliance schedule and last until all other required corrective action has been taken.

4) Class III wells only. When setting corrective action requirements the Agency shall consider the overall effect of the project on the hydraulic gradient in potentially affected USDWs, and the corresponding changes in potentiometric surface(s) and flow direction(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in 35 Ill. Adm. Code 730.133(b) shall be designed to verify the validity of such determinations.

(Note: See 40 CFR 122.44.)

## SUBPART F: HAZARDOUS WASTE WELLS

### Section 704.201 Applicability

The regulations in this section apply to all generators of hazardous waste, and to the owners or operators of all hazardous waste management facilities, using any class of well to inject hazardous wastes accompanied by a manifest. (See also Section 704.124.)

(Note: See 40 CFR 122.45(a).)

### Section 704.202 Authorization

The owner or operator of any well that is used to inject hazardous wastes accompanied by a manifest or delivery document shall apply for authorization to inject, as specified in Section 704.161(b)(1)(B), within 6 months after the date of approval by USEPA of the Illinois UIC program.

(Note: See 40 CFR 122.45(b).)

### Section 704.203 Requirements

In addition to requiring compliance with the applicable requirements of this part, 35 Ill. Adm. Code 703 and Subparts B through F of 35 Ill. Adm. Code 730, the owner or operator of any well that is used to inject hazardous wastes and which is authorized by rule under Section 704.142, or the owner or operator of any well that is used to inject hazardous wastes accompanied by a manifest or delivery document, shall comply with the following:

a) Notification. The owner or operator shall comply with the notification requirements of Section 3010 of RCRA (Pub. L. 94-580).

b) Identification number. The owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724.111 and 40 CFR 264.11.

c) Manifest system. The owner or operator shall comply with the applicable recordkeeping and reporting requirements for manifested wastes in 35 Ill. Adm. Code 724.171 and 40 CFR 264.71.

d) Manifest discrepancies. The owner or operator shall comply with 35 Ill. Adm. Code 724.172 and 40 CFR 264.72.

e) Operating record. The owner or operator shall comply with 35 Ill. Adm. Code 724.173(a), (b)(1), and (b)(2) and 40 CFR 264.73(a), (b)(1) and (b)(2).

f) Annual report. The owner or operator shall comply with 35 Ill. Adm. Code 724.175 and 40 CFR 264.75.

g) Unmanifested waste report. The owner or operator shall comply with 35 Ill. Adm. Code 724.176 and 40 CFR 264.76.

h) Personnel training. The owner or operator shall comply with the applicable personnel training requirements of 35 Ill. Adm. Code 724.116 and 40 CFR 264.16.

i) Certification of closure. When abandonment is completed, the owner or operator must submit to the Agency certification by the owner or operator and certification by an independent registered professional engineer that the facility has been closed in accordance with the specifications in Section 704.188 and 40 CFR 264.88.

(Note: 35 Ill. Adm. Code 724 will be added later.)
(Note: See 40 CFR 122.45(c).)

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

# PART 705
# PROCEDURES FOR PERMIT ISSUANCE

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**Appendix A** Procedures for Permit Issuance
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**Appendix F** Permit Issuance or Denial


*AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1013, 1022.4 and 1027).*

*SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as provided in 35 Ill. Adm. Code 700.106; amended in R82-19, at 7 Ill. Reg. 14352, effective as provided in 35 Ill. Adm. Code 700.106; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985.*

## SUBPART A: GENERAL PROVISIONS

### Section 705.101 Scope and Applicability

a) Part 705 sets forth procedures which the Illinois Environmental Protection Agency (Agency) must follow in issuing RCRA (Resource Conservation and Recovery Act) and UIC (Underground Injection Control) permits. Part 705 also specifies rules on effective dates of permits and stays of contested permit conditions.

b) Part 705 provides for a public comment period and a hearing in some cases. The permit applicant and any other participants must raise issues during this proceeding to preserve issues for effective Board review (Sec. 705.183).

c) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105. Board review is restricted to the record which was before the Agency when the permit was issued (Secs. 40(a) and 40(b) of the Environmental Protection Act).

d) 35 Ill. Adm. Code 702, 703 and 704 contain rules on UIC and RCRA permit applications, conditions and related matters.

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 705.102 Definitions

The definitions in 35 Ill. Adm. Code 702 apply to this Part.

(Board Note: See 40 CFR 124.2.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 705.103 Computation of Time

Any time period allowance schedule or requirement provided under this Part shall be computed in accordance with 35 Ill. Adm. Code 101.105.

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

## SUBPART B: PERMIT APPLICATIONS

### Section 705.121 Permit Application

a) Any person who requires a permit under the RCRA (Resource Conservation and Recovery Act) or UIC (Underground Injection Control) program shall complete, sign, and submit to the Agency an application for each permit required under 35 Ill. Adm. Code 703.121 and 35 Ill. Adm. Code 704.101 through 704.105. Applications are not required for underground injections authorized by rule under Subpart C of 35 Ill. Adm. Code 704.

b) The Agency shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit.

c) Permit applications must comply with the signature and certification requirements of 35 Ill. Adm. Code 702.126.

(Board Note: See 40 CFR 124.3(a).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.122 Completeness**

a) The Agency shall review for completeness every application for a RCRA or UIC permit.

b) Time limitations:

1) Each application for a permit submitted by a new HWM (hazardous waste management) facility or new UIC injection well shall be reviewed for completeness within 30 days of its receipt.

2) Each application for a permit by an existing HWM facility (both Parts A and B of the application) or existing injection well shall be reviewed for completeness within 60 days of receipt.

c) Upon completing this review, the Agency shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency shall list the information necessary to make the application complete.

d) When the application is for an existing HWM (Hazardous Waste Management) facility or an existing UIC injection well the Agency shall also specify in the notice of deficiency a date for submitting the necessary information.

e) The Agency shall, within the time limitations specified in paragraph (b), notify the applicant whether additional information submitted in response to a notice of deficiency is deemed sufficient or insufficient to complete the application.

f) After the application is deemed completed, the Agency may request additional information from an applicant only when necessary to clarify, modify or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

(Board Note: See 40 CFR 124.3(c).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.123 Incomplete Applications**

If an applicant fails or refuses to correct deficiencies in the application, the permit may either be denied or issued on the basis of the information available to the Agency after public notice has been given pursuant to Sec. 705.161(a)(1); if warranted, appropriate enforcement actions may be taken.

(Board Note: See 40 CFR 124.3(d).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.124 Site Visit**

In the event that the Agency decides that a site visit is necessary for any reason in conjunction with the processing of an application, the failure or refusal by the applicant to permit such an Agency site visit shall be deemed a failure or refusal to correct application deficiencies for purposes of Sec. 705.123.

(Board Note: See 40 CFR 124.3(e).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.125 Effective Date**

The effective date of an application is the date on which the Agency notifies the applicant that the application is complete as provided in Sec. 705.122.

(Board Note: See 40 CFR 124.3(f).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.126 Decision Schedule**

For each application from a major new HWM facility or major new UIC injection well the Agency shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specifiy target dates by which the Agency intends to:

a) Prepare a draft permit;

b) Give public notice;

c) Complete the public comment period, including any public hearing; and

d) Issue a final permit.

(Board Note: See 40 CFR 124.3(g).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.127 Consolidation of Permit Processing**

Whenever a facility or activity requires more than one permit under more than one part of the Board's rules and regulations, processing of two or more applications for those permits may be consolidated in accordance with Agency procedures.

**Section 705.128 Modification or Revocation of Permits**

a) Permits may be modified either at the request of any interested person (including the permittee) or upon the Agency's initiative. However, permits may only be modified for the reasons specified in 35 Ill. Adm. Code 702.183 through 702.185. All requests shall be in writing addressed to the Agency (Division of Land Pollution Control) and shall contain facts or reasons supporting the request.

b) If the Agency decides the request is not justified, it shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification are not subject to public notice, comment or hearings. Denial of a request to modify may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

c) 1) If the Agency tentatively decides to initiate steps to modify a permit under this section and 35 Ill. Adm. Code 702.183 through 702.185, it shall, after giving public notice as though an application had been received (Sec. 705.161(a)(1)), prepare a draft permit under Sec. 705.141 incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application.

2) In a permit modification proceeding under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. During any modification proceeding, including appeals if any, the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

3) "Minor modifications" as defined in 35 Ill. Adm. Code 702.187 are not subject to the requirements of this section. If the Agency makes a minor modification, the modified permit must be accompanied by a letter stating the reasons for the minor modification.

d) To the extent that the Agency has authority to terminate, revoke, or revoke and reissue permits, if it decides to do so, it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141.

(Board Note: See 40 CFR 124.5.)

e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act and in accordance with 35 Ill. Adm. Code 103. Revocation may be sought only for those reasons specified in 35 Ill. Adm. Code 702.186(a)(1) through 702.186(a)(4).

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

## SUBPART C: APPLICATION REVIEW

### Section 705.141 Draft Permits

a) Once an application is complete, the Agency shall tentatively decide whether to prepare a draft permit or to deny the application.

b) If the Agency tentatively decides to deny the permit application, it shall issue a notice of intent to deny. A notice of intent to deny shall be subject to all of the procedural requirements applicable to draft permits under paragraph (d). If the Agency's final decision (Section 705.201) is that the tentative decision to deny the permit application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (c).

c) If the Agency decides to prepare a draft permit, it shall prepare a draft permit that contains the following information:

1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35 Ill. Adm. Code 702.160;

2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;

3) All monitoring requirements under 35 Ill. Adm. Code 702.164;

4) For:

A) RCRA permits, standards for treatment, storage, and/or disposal and other permit conditions under 35 Ill. Adm. Code 703.241 et seq.;

B) UIC permits, permit conditions under 35 Ill. Adm. Code 704.182.

d) All draft permits and notices of intent to deny prepared under this section shall be accompanied by a statement of basis (Section 705.142) or fact sheet (Section 705.143), and shall be based on the administrative record (Section 705.144), publicly noticed (Subpart D) and made available for public comment (Section 705.181). The Agency shall give notice of opportunity for a public hearing (Section 705.182), issue a final decision (Section 705.201) and respond to comments (Section 705.210). An appeal may be taken under Section 705.212.

(Board Note: See 40 CFR 124.6.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 705.142 Statement of Basis

The Agency shall prepare a statement of basis for every draft permit or notice of intent to deny for which a fact sheet under Section 705.143 is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

(Board Note: See 40 CFR 124.7.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 705.143 Fact Sheet

a) A fact sheet shall be prepared for every draft permit for a major HWM or a major UIC facility or activity, and for every draft permit or notice of intent to deny which the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Agency shall send this fact sheet to the applicant and, on request, to any other person.

b) The fact sheet shall include, when applicable:

1) A brief description of the type of facility or activity which is the subject of the draft permit;

2) The type and quantity of wastes, fluids or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted or discharged;

3) A brief summary of the basis for refusing to grant a permit or for imposing each draft permit condition including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record as defined by Section 705.144;

4) Reasons why any requested schedules of compliance or other alternatives to required standards do or do not appear justified;

5) A description of the procedures for reaching a final decision on the draft permit including:

A) The beginning and ending dates of the comment period under Subpart D and the address where comments will be received;

B) Procedures for requesting a hearing and the nature of that hearing; and

C) Any other procedures by which the public may participate in the final decision.

6) Name and telephone number of a person to contact for additional information.

(Board Note: See 40 CFR 124.8.)

*(Source: Amended at 9 Ill. Reg. 11894, effective July 24, 1985)*

**Section 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny**

a) The provisions of a draft permit or notice of intent to deny shall be based on the administrative record defined in this section.

b) The record shall consist of:

1) The application and any supporting data furnished by the applicant;

2) The draft permit or notice of intent to deny the application;

3) The statement of basis (Section 705.142) or fact sheet (Section 705.143);

4) All documents cited in the statement of basis or fact sheet; and

5) Other documents contained in the supporting file for the draft permit or notice of intent to deny.

6) An index of all documents or items included in the record, by location in the record.

c) Published material that is generally available, and which is included in the administrative record under paragraph (b), need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.

d) This section applies to all draft permits or notices of intent to deny for which public notice is first given under Subpart D after the effective date of these regulations.

(Board Note: See 40 CFR 124.9.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

## SUBPART D: PUBLIC NOTICE

**Section 705.161 When Public Notice Must Be Given**

a) The Agency shall give public notice that the following actions have occurred:

1) A permit application has been tentatively denied under Section 705.141(b);

2) A draft permit has been prepared under Section 705.141(c); and

3) A hearing has been scheduled under Section 705.182.

b) No public notice is required when a request for permit modification is denied under Section 705.128(b). Written notice of that denial shall be given to the requester and to the permittee.

c) Public notices may describe more than one permit or permit action.

(Board Note: See 40 CFR 124.10(a).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.162 Timing of Public Notice**

a) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under Section 705.161 shall allow:

1) For UIC permits, at least 30 days for public comment;

2) For RCRA permits, at least 45 days for public comment.

b) Public notice of a public hearing shall be given:

1) For UIC permits at least 30 days before the hearing;

2) For RCRA permits, at least 45 days before the hearing.

c) Public notice of a hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.

(Board Note: See 40 CFR 124.10(b).)

*(Source: Amended at 7 Ill. Reg. 14252, as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.163 Methods of Public Notice**

Public Notice of activities described in Section 705.161(a) shall be given by the following methods:

a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

1) The applicant.

2) Any other agency or entity which the Agency knows is required by state or federal law to review or approve issuance of a RCRA or UIC permit for the same facility or activity (including the U.S. Environmental Protection Agency, other Federal and State agencies with jurisdiction over waterways, wildlife or other natural resources, and other appropriate government authorities, including other affected States and units of local government).

3) Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and over coastal zone management plans, the Advisory Council on Historical Preservation, and State Historic Preservation Officers, and other appropriate small government authorities, including any affected States.

4) Persons on a mailing list developed by:

A) Including those who request in writing to be on the list;

B) Including participants in past permit proceedings in that area; and

C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in governmental publications. The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.

5) For RCRA permits only:

A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

B) To each State Agency having any authority under State law with respect to the construction or operation of such facility.

6) Any other person or entity which the Agency has reason to believe would be particularly interested in or affected by the proposed action.

b) Publication of notice:

1) For major UIC permits, publication of a notice in a daily or weekly newspaper of general circulation within the area affected by the facility or activity.

2) For RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

c) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it.

(Board Note: See 40 CFR 124.10(c).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.164 Contents of Public Notice**

a) All public notices issued under this Part shall contain the following minimum information:

1) Name and address of the Agency;

2) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

3) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

4) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application; and

5) A brief description of the comment procedures required by Sections 705.181 and 705.182 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.

6) The location of the administrative record required by Section 705.144, the time at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record.

7) Any additional information considered necessary or proper.

b) Public notices for hearings. In addition to the general public notice described in Section 705.164(a), the public notice of a hearing under Section 705.182 shall contain the following information:

1) Reference to the date of previous public notices relating to the permit:

2) Date, time, and place of the hearing; and

3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

(Board Note: See 40 CFR 124.10(d).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.165 Distribution of Other Materials**

In addition to the general public notice described in Section 705.164(a), all persons identified in Section 705.163(a) shall be mailed a copy of the fact sheet or statement of basis, the permit application (if any) and the draft permit (if any).

(Board Note: See 40 CFR 124.10(e).)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

## SUBPART E: PUBLIC COMMENT

**Section 705.181 Public Comments and Requests for Public Hearings**

During the public comment period provided under Subpart D any interested person may submit to the Agency written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in Section 705.210.

(Board Note: See 40 CFR 124.11.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.182 Public Hearings**

a) 1) The Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a draft permit(s).

2) The Agency also may hold a public hearing at its discretion, whenever such a hearing might clarify one or more issues involved in the permit decision.

3) For RCRA permits only:

A) The Agency shall hold a public hearing whenever it receives, within 45 days of public notice under Section 705.162(a), written notice of opposition to a draft permit and a request for a hearing;

B) Whenever possible the Agency, shall schedule the hearing at a location convenient to the nearest population center to the proposed facility.

4) Public notice of the hearing shall be given as specified in Section 705.162.

b) Whenever a public hearing will be held, the Agency shall designate a hearing officer for the hearing who shall be responsible for its scheduling and orderly conduct. Conduct of the hearing shall be in accordance with Agency rules and procedures, and shall be held in the county in which the HWM or UIC facility, or proposed HWM or UIC facility, is located.

c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set by the Hearing Officer upon the time allowed at hearing for oral statements, and the submission of statements in writing may be required. Written statements shall be accepted until the close of the public comment period. The public comment period under Subpart D shall automatically be extended to a date not later than 30 days after the close of any public hearing under this section. The hearing officer may, upon request, extend the comment period by not more than 30 days if reasonably necessary to assure all parties sufficient opportunity to submit comments.

d) A tape recording or written transcript of the hearing shall be made available to the public for inspection during regular business hours at the Agency's office in Springfield. Copies of such recording or transcription shall be available on request upon payment of reasonable costs of duplication pursuant to applicable Agency rules and procedures.

(Board Note: See 40 CFR 124.12.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.183 Obligation to Raise Issues and Provide Information**

All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under Subpart D. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the Agency as directed by the Agency.

(Board Note: See 40 CFR 124.13.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.184 Reopening of Public Comment Period**

a) If any data, information or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Agency may take one or more of the following actions:

1) Prepare a new draft permit, appropriately modified, under Section 705.141;

2) Prepare a revised statement of basis, a fact sheet or revised fact sheet and reopen the comment period under paragraph (a)(3);

3) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

b) In the alternative, the Agency may reverse its tentative decision to prepare a draft permit or issue a notice of intent to deny (Section 705.141(b) and 705.141(e)).

c) In the alternative, the Agency may revise the draft permit in response to comments and issue a final permit pursuant to Section 705.201.

d) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under Subpart D shall define the scope of the reopening.

e) Public notice of any of the above actions shall be issued under Subpart D.

(Board Note: See 40 CFR 124.14.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

## SUBPART F: PERMIT ISSUANCE

**Section 705.201 Final Permit Decision**

a) After the close of the public comment period under Subpart D or Section 705.182, the Agency shall issue a final permit decision.

b) A final permit decision shall consist of either:

1) A letter of denial including:

A) The sections of the appropriate Act which may be violated if the permit were granted;

B) The provisions of Board regulations which may be violated if the permit were granted;

C) The specific type of information, if any, which the Agency deems the applicant did not provide it;

D) A statement of specific reasons why the Act and the regulations might not be met if the permit were granted;

2) Or issuance of a permit.

c) On the date of the final permit decision, the Agency shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a RCRA or UIC permit.

d) A final permit shall become effective 35 days after the final permit decision under paragraph (a), unless:

1) A later effective date is specified in the permit; or

2) Review is requested under Section 705.212, in which case the effective date and conditions will be stayed as provided in Sections 705.202 through 705.205.

**Section 705.202 Stays in General**

35 Ill. Adm. Code 702.125 provides for continuation of expiring RCRA and UIC permits where a timely application has been filed. The Board intends that, in such a case, unless it orders otherwise, the old permit should expire at the same time the new permit becomes effective.

**Section 705.203 Stays for New Applications**

a) This section applies to:

1) New HWM facilities and new injection wells which:

A) Have never had a RCRA or UIC permit; or

B) Had a RCRA or UIC permit which expired without a timely application for renewal; and

2) Existing HWM facilities and existing HWM injection wells which:

A) Have never had a RCRA or UIC permit and have failed to file a timely first application; or

B) Had a RCRA or UIC permit which expired without a timely application for renewal.

b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant is without a permit unless the Board orders otherwise.

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.204 Stays for Reapplications and Modifications**

a) This section applies to new or existing HWM facilities and UIC wells which have a RCRA or UIC permit and which make a timely application for renewal or request for modification.

b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded or until the Board orders otherwise. During the appeal, the applicant must comply with the conditions of the expired permit, unless the Board orders otherwise (35 Ill. Adm. Code 702.125).

c) The applicant must comply with the conditions of the existing permit during a modification proceeding under Section 705.128.

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.205 Stays Following Interim Status**

a) This section applies to any facility which has RCRA interim status or permit by rule, or a UIC permit by rule, and which makes a timely application for its first RCRA or UIC permit.

b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant must comply with the rules applicable to facilities with RCRA interim status, permit by rule or UIC permit by rule (35 Ill. Adm. Code 703, Subpart C or 704, Subpart C).

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.210 Response to Comments**

a) At the time that any final permit decision is issued under Section 705.201, the Agency shall issue a response to comments. This response shall:

1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

2) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period.

b) Any documents cited in the response to comments shall be included in the administrative record for the final permit decision as defined in Section 705.211. If new points are raised or new material supplied during the public comment period, the Agency may document its response to those matters by adding new materials to the administrative record.

c) The response to to comments shall be available to the public in accordance with Agency rules and procedures for access to Agency documents.

(Board Note: See 40 CFR 124.17.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.211 Administrative Record for Final Permits or Letters of Denial**

a) The Agency shall base final permit decisions under Section 705.201 on the administrative record defined in this section.

b) The administrative record for any final permit or letter of denial shall consist of the administrative record for the draft permit and:

1) All comments received during the public comment period provided under Subpart D (including any extension or reopening under Section 705.184);

2) The tape or transcript of any hearing held under Section 705.182;

3) Any written materials submitted at such a hearing;

4) The response to comments required by Section 705.210 and any new material placed in the record under that section;

5) Other documents contained in the supporting file for the permit; and

6) The final permit or letter of denial.

c) The additional documents required under paragraph (b) should be added to the record as soon as possible after their receipt or publication by the Agency. The record shall be completed on the date which the final permit or letter of denial is issued.

d) This section applies to all final RCRA permits, UIC permits and letters of denial, when the draft permit was subject to the administrative record requirements of Section 705.144.

(Board Note: See 40 CFR 124.18.)

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 705.212 Appeal**

a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the applicant may petition the Board to contest the final permit decision. If the applicant failed to file comments or failed to participate in the public hearing on the draft permit he or she may petition for administrative review only to the extent of the change from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105. Nothing in this paragraph is intended to restrict appeal rights under Section 40(b) of the Environmental Protection Act.

b) Within 35 days after a final permit decision notification has been issued under Section 705.201 for a RCRA permit for a hazardous waste disposal site, any person who filed comments on that draft permit or participated in the public hearing may petition the Board to contest the issuance of the permit. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.

c) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally shall govern appeals of RCRA and UIC permits under this section; references in the procedural rules to the Agency permit application record shall mean, for purposes of this section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

d) An appeal under paragraphs (a) or (b) is a prerequisite to the seeking of judicial review of the final agency action under the Administrative Review Act (Ill. Rev. Stat. 1981, ch. 110, par. 264).

*(Source: Amended at 7 Ill. Reg. 14252, effective as noted in 35 Ill. Adm. Code 700.106)*

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 709
WASTESTREAM AUTHORIZATIONS

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*AUTHORITY: Implementing Section 22.6 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022.6 and 1027).*

*SOURCE: Emergency rule adopted in R83-28A at 8 Ill. Reg. 12678, effective July 5, 1984, for a maximum of 150 days; adopted in R83-28B at 9 Ill. Reg. 730, effective January 3, 1985.*

*NOTE: Capitalization is used to indicate that the language quotes or paraphrases a statute.*

SUBPART A: GENERAL PROVISIONS

**Section 709.102 Definitions**

The definitions of 35 Ill. Adm. Code 729.301 apply to this Part, in addition to the following terms:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001)

"Agency" means the Illinois Environmental Protection Agency

"Board" means the Illinois Pollution Control Board

"Hazardous wastestream" means a "wastestream" which includes a "hazardous waste"

"Wastestream" means a "solid waste" as defined in 35 Ill. Adm. Code 721, which is routinely or periodically produced by a certain generator as a result of a certain activity, production process or treatment process. The Agency may issue multiple wastestream authorizations for a single wastestream, each identifying a different disposer or disposal method. The Agency may allow the combination of wastestreams into a single wastestream if such combination does not limit the possibilities for treatment, recycling or disposal of the wastes.

**Section 709.103 Deemed-issued Wastestream Authorizations**

a) If prior to July 5, 1984 the Agency issued a supplemental permit pursuant to 35 Ill. Adm. Code 807.210 for a residual from the treatment of liquid hazardous waste, and such supplemental permit is valid, such supplemental permit shall be deemed a wastestream authorization until such time as the Agency grants or denies a wastestream authorization, provided:

   1) the residual meets one of the standards in 35 Ill. Adm. Code 729.310(b); and,

   2) such person submitted an application, pursuant to Section 709.301, for a wastestream authorization to the Agency by September 7, 1984.

b) A supplemental permit shall cease to be deemed a wastestream authorization:

   1) On September 7, 1984, unless an application for a wastestream authorization has been received by the Agency; or,

   2) When the Agency grants or denies a wastestream authorization.

**Section 709.104 Expiration of Supplemental Permits**

a) Supplemental permits, issued pursuant to 35 Ill. Adm. Code 807.210, for liquid hazardous waste wastestreams which are restricted under 35 Ill. Adm. Code 729.310, became void after July 5, 1984.

b) Supplemental permits for wastestreams containing halogenated compounds which are prohibited pursuant to 35 Ill. Adm. Code 729.240 or 729.241 became void after December 4, 1984.

c) The Agency shall review existing supplemental permits to identify those which appear to authorize disposal in landfills of wastes which are restricted or prohibited, including those which the Agency believes became void on July 5, 1984 or December 4, 1984. The Agency shall notify persons with supplemental permits it believes authorize disposal of wastes which are restricted or prohibited. The Agency shall give each permittee the opportunity to demonstrate, by filing a new application within 60 days after receipt of notice, compliance with the restriction or prohibition before modifying or denying a supplemental permit.

**Section 709.105 Severability**

If any provision of this Part is adjudged invalid, or if the application to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole, or of any Subpart, Section, paragraph, sentence or clause which has not been adjudged invalid.

## SUBPART B: PROHIBITIONS

### Section 709.201 Liquid Hazardous Waste Authorization

a) Liquids: NO PERSON SHALL CAUSE, THREATEN OR ALLOW THE DISPOSAL IN ANY LANDFILL OF ANY LIQUID HAZARDOUS WASTE UNLESS THE AGENCY HAS ISSUED A WASTESTREAM AUTHORIZATION FOR THAT WASTESTREAM. (Section 22.6(a) of the Act)

b) Residuals: No person shall engage in the treatment of a liquid hazardous waste and cause, threaten or allow the disposal in any landfill of any residual from such treatment unless the Agency has issued a wastestream authorization for that wastestream.

## SUBPART C: APPLICATIONS

### Section 709.301 Application for Liquid Hazardous Waste

The Agency shall promulgate standardized application forms for liquid hazardous waste authorizations. Applications for liquid hazardous waste authorizations must be made on such forms after they become available. Until such time, applicants must provide the following minimal information:

a) The name, address and phone number of the original generator;

b) The original generator's United States Environmental Protection Agency (USEPA) identification number (35 Ill. Adm. Code 722.122) and Agency identification number;

c) The name of the waste;

d) The source of the waste;

e) USEPA hazardous waste code(s) (35 Ill. Adm. Code 721);

f) The name(s) and address(es) of any treater(s) of the waste;

g) Each treater's USEPA identification number and Agency site number, if applicable;

h) Whether any treater has a RCRA permit or interim status;

i) A detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all of the information which must be known to treat, store or dispose of the waste in accordance with the wastestream authorization sought.

j) The quantity or rate at which the waste is generated.

k) A plan for sampling the waste by the original generator or treater (including frequency) to assure that the wastestream continues to conform to the analysis in the application;

l) A description of any treatment processes;

m) Sufficient facts to show that the wastestream meets one of the standards for issuance of a wastestream authorization (Section 709.401);

n) Identification of the disposal site or sites to which the applicant proposes to send the waste;

o) Wastestream number of any supplemental wastestream permit issued for the waste pursuant to 35 Ill. Adm. Code 807.210, and the expiration date of any such permit.

p) Such additional information as the generator believes is necessary to show that the wastestream may be disposed in accordance with the Act and Board regulations.

### Section 709.302 Signatures

Applications shall be signed by the original generator or treater of the waste. Otherwise, the original generator or treater of the waste may authorize a permitted disposer or transporter to act on its behalf.

## SUBPART D: REVIEW OF WASTESTREAMS

### Section 709.401 Standard for Issuance for Liquid Hazardous Waste

a) Liquids: THE AGENCY SHALL ISSUE A WASTESTREAM AUTHORIZATION FOR THE LAND DISPOSAL OF A LIQUID HAZARDOUS WASTE ONLY AFTER THE GENERATOR HAS REASONABLY DEMONSTRATED THAT THE WASTESTREAM MEETS THE STANDARD OF 35 ILL. ADM. CODE 729.310(a), AND THAT LAND DISPOSAL IS NOT PROHIBITED OR LIMITED BY BOARD REGULATIONS. (Section 22.6(c) of the Act)

b) Residuals: The Agency shall issue a wastestream authorization for the land disposal of the residual from the treatment of a liquid hazardous waste if and only if the original generator or treater demonstrates that the residual meets one of the standards of 35 Ill. Adm. Code 729.310(b), and that land disposal is not prohibited or limited by Board regulations.

c) Negative Finding: For wastes which are neither a liquid hazardous waste nor a residual from the treatment of a liquid hazardous waste, the Agency may issue a wastestream authorization upon a finding that the wastestream is not subject to any other landfilling prohibition.

## SUBPART E: CONDITIONS OF WASTESTREAM AUTHORIZATIONS

### Section 709.501 Duration

A wastestream authorization shall be valid for a period of not less than one nor more than three years.

### Section 709.510 General Conditions

IN GRANTING A WASTESTREAM AUTHORIZATION THE AGENCY MAY IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THE ACT AND WHICH ARE CONSISTENT WITH BOARD REGULATIONS, including requirements for the periodic testing of the wastestream to verify that it continues to meet one of the standards of 35 Ill. Adm. Code 729.310. (Section 22.6(c) of the Act)

### Section 709.520 Authorized Methods of Disposal

a) The Agency shall include conditions prohibiting methods of treatment or disposal which would result in violation of the Act or Board rules.

b) The Agency shall include conditions authorizing disposal in accordance with the Act and Board regulations. Such conditions shall identify landfills authorized to receive the waste. Such identification shall be either by name of specific landfills, or by classification.

c) The Agency shall require the addition of absorbent materials to liquid hazardous waste authorized pursuant to Section 709.401(a) in accordance with 35 Ill. Adm. Code 724.414 or 725.414.

## SUBPART F: MODIFICATION, REVOCATION AND APPEAL

**Section 709.601 Modification**

a) A wastestream authorization may be modified pursuant to the application described in Section 709.301.

b) After giving 60 days notice to the original generator and any treater, the Agency shall modify any wastestream authorization to make it consistent with newly adopted provisions of the Act or Board regulations.

**Section 709.602 Revocation**

Wastestream authorizations may be revoked by the Board pursuant to an enforcement action under Title VIII of the Act.

**Section 709.603 Appeal**

Denial of a wastestream authorization, or issuance with conditions, may be appealed by the applicant to the Board pursuant to Title X of the Act and 35 Ill. Adm. Code 105.

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


| Section | |
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| 720.101 | Purpose, Scope and Applicability |
| 720.102 | Availability of Information; Confidentiality of Information |
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SUBPART B: DEFINITIONS


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| 720.110 | Definitions |
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SUBPART C: RULEMAKING PETITIONS


| Section | |
|---|---|
| 720.120 | Rulemaking |
| 720.121 | Alternative Equivalent Testing Methods |
| 720.122 | Waste Delisting |

**Appendix A Overview of 40 CFR, Subtitle C Regulations**


*AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022.4 and 1027).*

*SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19, at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, at 9 Ill. Reg. 11819, effective July 24, 1985.*

SUBPART A: GENERAL

**Section 720.101 Purpose, Scope and Applicability**

a) This Part provides definitions of terms, general standards and overview information applicable to Parts 720-725.

b) In this Part:

1) Reserved

2) Section 720.103 establishes rules of grammatical construction for Parts 720-725.

3) Section 720.110 defines terms which are used in Parts 720-725.

4) Reserved

5) Reserved

6) Reserved

**Section 720.102 Availability of Information; Confidentiality of Information**

Availability and confidentiality of information is governed by Illinois law, including Sections 7 and 7.1 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1007 and 1007.1) and 35 Ill. Adm. Code 101.107 and 120.

*(Source: Amended at 9 Ill. Reg. 11819, effective July 24, 1985)*

**Section 720.103 Use of Number and Gender**

As used in Parts 720-725:

a) Words in the masculine gender also include the feminine and neuter genders;

b) Words in the singular include the plural; and

c) Words in the plural include the singular.

SUBPART B: DEFINITIONS

**Section 720.110 Definitions**

When used in 35 Ill. Adm. Code 720 through 725 only, the following terms have the meanings given below:

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

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980 and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or his designee.

"Agency" means the Illinois Environmental Protection Agency.

"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.

"Board" means the Illinois Pollution Control Board.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"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 which could threaten human health or the environment.

"Designated facility" means a hazardous waste treatment, storage or disposal facility which has received an EPA permit (or a facility with interim status) in accordance with the requirements of 40 CFR 270 and 124 or a permit from a state authorized in accordance with 40 CFR 271 that has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

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

"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.

"Elementary neutralization unit" means a device which:

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

Meets the definition of tank, container, transport vehicle or vessel in Section 720.110.

"EPA" means United States Environmental Protection Agency.

"EPA hazardous waste number" means the number assigned by EPA to each hazardous waste listed in 35 Ill. Adm. Code 721, Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721, Subpart C.

"EPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA region" 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 pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which 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

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

the owner or operator had entered into contractual obligations—which could not be cancelled 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.

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

"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.

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

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

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed and liquid injection incinerators.

"Incompatible waste" means a hazardous waste which is unsuitable for:

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 35 Ill. Adm. Code 725, Appendix E for 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.

"In operation" refers to a facility which 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 which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment or an injection well.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

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

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

"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 originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722, Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document assigned to the manifest by the generator for recording and reporting purposes.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

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

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"On-site" means the same or geographically contiguous property which 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. Noncontiguous properties owned by the same person but connected by a right-of-way which he 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 who owns a facility or part of a facility.

"Partial closure" means the closure of a discrete part of a facility in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725. For example, partial closure may include the closure of a trench, a unit operation, a landfill cell or a pit, while other parts of the same facility continue in operation or will be placed in operation in the future.

"Person" means 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 the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"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" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "state" or "municipality" (as defined

by Section 502(4) of the Clean Water Act (33 U.S.C. 1362(4))). This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or his designee.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"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.

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

"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 Island.

"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.

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

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

"Thermal treatment" means the treatment of hazardous waste in a device which 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".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which 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 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. "Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

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

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

"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 such waste, or so as to recover energy or material resources from the waste or so as to render such waste nonhazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

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

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

"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.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"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.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (33 U.S.C. 1342 or 1317(b)); and

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

Meets the definition of tank in 35 Ill. Adm. Code 720.110.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which 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").

*(Source: Amended at 9 Ill. Reg. 11819, effective July 24, 1985)*

**Section 720.111 References**

a) When used in 35 Ill. Adm. Code 720 through 725, the following publications are incorporated by reference:

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80. D-93-80 is available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue Boston, MA 02210.

"Test Methods for the Evaluation of Solid Waste, Physcial/Chemical Methods" (1980), EPA publication number SW-846 (First Edition, 1980, as updated by Revisions A (August, 1980), B (July, 1981), and C (February, 1982)) or (Second Edition, 1982). The first edition of SW-846 is no longer in print. Revisions A and B are available from EPA, Office of Solid Waste, (WH-565B), 401 M Street, S.W., Washington, D.C. 20460. Revision C is available from NTIS, 5285 Port Royal Road, Springfield, Virginia 22161. The second edition of SW-846 includes material from the first edition and Revisions A, B, and C in a reorganized fromat. It is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

b) The references listed in paragraph (a) are also available for inspection at the Office of the Federal Register, 1100 L Street, NW, Washington, D.C. 20408 and at the Illinois State Library, Centennial Building, Springfield, IL 62756.

*(Source: Amended at 7 Ill. Reg. 14015, effective 10/12/83)*

## SUBPART C: RULEMAKING PETITIONS

### Section 720.120 Rulemaking

a) Any person may petition the Board to adopt as state regulations rules which are identical in substance with newly-adopted federal amendments or regulations. The petition shall take the form of a proposal for rulemaking pursuant to Procedural Rule 203. The proposal shall include a listing of all amendments to 40 CRF Parts 260-265 which have been made since the last preceding amendment or proposal to amend Parts 720-725 (Section 22.4(a)).

b) Any person may petition the Board to adopt amendments or additional regulations not identical in substance with federal regulations. Such proposal shall conform to Part II of the Procedural Rules, Title VII and Sections 22.4(b) or 22.4(c) of the Illinois Environmental Protection Act.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

### Section 720.121 Alternative Equivalent Testing Methods

a) The Agency has no authority to alter the universe of regulated wastes. Modification of testing methods which are stated in Part 721 requires rulemaking pursuant to Section 720.120. However, deviation from these methods is allowed under the express provisions of Part 721, as for example in Section 721.120(c).

b) The Agency may approve alternative equivalent testing methods to be used by a certain person to determine whether specified types of waste streams are subject to these regulations. This shall be done by permit condition or by a letter directed to the person.

c) The Board does not intend to require that either the testing methods specified in Part 721 or the alternative equivalent testing methods approved by the Agency should be applied to identify or distinguish waste streams which are known, admitted or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority over testing procedures (Section 725.113).

d) Any petition to the Board or request to the Agency concerning alternative equivalent testing methods shall include the information required by 40 CFR Section 260.21.

e) Alternative equivalent testing methods will not be approved if the result would make the Illinois program less than substantially equivalent to the federal.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

### Section 720.122 Waste Delisting

a) General delisting or delisting of specific wastes from specific sources which have been adopted by USEPA may be proposed as state regulations which are identical in substance pursuant to Section 720.120(a).

b) Delistings which have not been adopted by USEPA may be proposed to the Board pursuant to Section 720.120(b); however, this does not infer that the Board has authority to adopt such delistings.

c) The Agency may determine in a permit or a letter directed to a generator that a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but shall not be conclusive with reference to other persons or the Board.

d) Any petition to delist directed to the Board or request for determination directed to the Agency shall include the information required by 40 CFR Section 260.22.

e) Waste delistings will not be approved if the result would make the Illinois program less than substantially equivalent to the federal.

f) Delistings will apply only within Illinois. Generators must comply with Part 722 for waste which is hazardous in any state to which it is to be transported which has RCRA authorization.

*(Source: 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

### Appendix A Overview of 40 CFR, Subtitle C Regulations

See Appendix I to 40 CFR 260.

*(Source: Amended at 9 Ill. Reg. 11819, effective July 24, 1985)*

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL


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


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*AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022.4 and 1027).*

*SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, 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, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834 effective July 24, 1985.*

SUBPART A: GENERAL

**Section 721.101 Purpose and Scope**

a) This part identifies those solid wastes which are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and which are subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (RCRA). In this part:

1) Subpart A defines the terms "solid waste" and "hazardous waste," identifies those wastes which are excluded from regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and establishes special management requirements for hazardous waste produced by small quantity generators and hazardous waste which is used, reused, recycled or reclaimed.

2) Subpart B sets forth the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.

3) Subpart C identifies characteristics of hazardous wastes.

4) Subpart D lists particular hazardous wastes.

b) This Part identifes only some of the materials which are hazardous wastes under Sections 1004(5) and 7003 of RCRA. A material which is not a hazardous waste identified in this Part is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.

c) The Agency has inspection authority pursuant to Section 3007 of RCRA and Section 4 of the Environmental Protection Act.

(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)

**Section 721.102 Definition of Solid Waste**

a) A solid waste is any garbage, refuse, sludge or any other waste material which is not excluded under Section 721.104(a).

b) An "other waste material" is any solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining or agricultural operations, or from community activities which:

1) Is discarded or is being accumulated, stored or physically, chemically or biologically treated prior to being discarded; or

2) Has served its original intended use and sometimes is discarded; or

3) Is a manufacturing or mining by-product and sometimes is discarded.

c) A material is "discarded" if it is abandoned (and not used, re-used, reclaimed or recycled) by being:

1) Disposed of; or

2) Burned or incinerated, except where the material is being burned as a fuel for the purpose of recovering usable energy; or

3) Physically, chemically, or biologically treated (other than burned or incinerated) in lieu of or prior to being disposed of.

d) A material is "disposed of" if it is discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground or surface waters.

e) A "manufacturing or mining by-product" is a material that is not one of the primary products of a particular manufacturing or mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process within a short time.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 721.103 Definition of Hazardous Waste**

a) A solid waste, as defined in Section 721.102, is a hazardous waste if:

1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and

2) It meets any of the following criteria;

A) It exhibits any of the characteristics of hazardous waste identified in Subpart C.

B) It is listed in Subpart D and has not been excluded from the lists in Subpart D under 35 Ill. Adm. Code 720.120 and 720.122.

C) It is a mixture of a solid waste and a hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C.

D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded from this paragraph under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D are not hazardous wastes (except by application of paragraph (a)(2)(A) or (B)) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (33 U.S.C. 1251) (including wastewater at facilities which have eliminated the discharge of wastewater) and;

i) One or more of the following spent solvents listed in Section 721.131 - carbon tetrachloride, tetrachloroethylene, trichloroethylene - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 1 part per million; or

ii) One or more of the following spent solvents listed in Section 721.131 - methylene chloride, 1,1,1 - trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 25 parts per million; or

iii) One of the following wastes listed in Section 721.132 - heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or

iv) A discharged commercial chemical product, or chemical intermediate listed in Section 721.133, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subparagraph, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the

facility s wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

b) A solid waste which is not excluded from regulation under paragraph (a)(1) becomes a hazardous waste when any of the following events occur:

1) In the case of a waste listed in Subpart D, when the waste first meets the listing description set forth in Subpart D.

2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D is first added to the solid waste.

3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C.

c) Unless and until it meets the criteria of paragraph (d):

1) A hazardous waste will remain a hazardous waste.

2) Any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off), is a hazardous waste.

d) Any solid waste described in paragraph (c) is not a hazardous waste if it meets the following criteria:

1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C.

2) In the case of a waste which is a listed waste under Subpart D, contains a waste listed under Subpart D or is derived from a waste listed in Subpart D, it also has been excluded from paragraph (c) under 35 Ill. Adm. Code 720.120 and 720.122.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 721.104 Exclusions**

a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

1) A) Domestic sewage; and

B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

2) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.)

(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, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)

5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

b) Solid wastes which 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, 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).

2) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

A) The growing and harvesting of agricultural crops.

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

6)

A) Wastes which fail the test for the characteristic of EP toxicity (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

ii) The waste is generated from an industrial process which 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) Specific wastes which meet the standard in paragraphs (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are

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.

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), including phosphate rock and overburden from the mining of uranium ore.

8) Cement kiln dust waste.

9) Solid waste which consists of discarded wood or wood products which fails the test for the characteristic of EP toxicity and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which 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, 705 and 722 through 725 or to the notification requirements of Section 3010 of RCRA 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 paragraph (d)(2), a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics of composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 725. The sample qualifies when:

A) The sample is being transported to a laboratory for the purpose of testing; or

B) The sample is being transported back to the sample collector after testing; or

C) The sample is being stored by the sample collector before transport to a laboratory for testing; or

D) The sample is being stored in a laboratory before testing; or

E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in paragraph (d)(1)(A) and (B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that DOT, 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.

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 paragraph (d)(1).

(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)

**Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators**

a) A generator is a small quantity generator in a calendar month if he generates less than 1000 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.

b) Except for those wastes identified in paragraphs (e) and (f), a small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725, and the notification requirements of Section 3010 of RCRA, provided the generator complies with the requirement of paragraph (g).

c) Hazardous waste that is beneficially used or re-used or legitimately recycled or reclaimed and that is excluded from regulation by Section 721.106(a) is not included in the quantity determinations of this Section, and is not subject to any requirements of this Section. Hazardous waste that is subject to the special requirements of Section 721.106(b) is included in the quantity determinations of this Section and is subject to the requirements of this Section.

d) In determining the quantity of hazardous waste he generates, a generator need not include:

1) His hazardous waste when it is removed from on-site storage; or

2) Hazardous waste produced by on-site treatment of his hazardous waste.

e) If a small quantity generator generates acutely hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acutely hazardous waste are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725, and the notification requirements of Section 3010 of RCRA:

1) A total of one kilogram of hazardous wastes which are identified as acute hazardous wastes (H) in Sections 721.131, 721.132, or 721.133(e); or

2) A total of 100 kilograms of any residue or contaminated soil, water or other debris resulting from the clean-up of a spill, into or on any land or water, of any hazardous wastes which are identified as acute hazardous wastes (H) in Sections 721.131, 721.132, or 721.133(e).

f) A small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time more than a total of 1000 kilograms of his hazardous waste, or his acutely hazardous wastes in quantities greater than set forth in paragraphs (e)(1) or (e)(2), all of those accumulated wastes for which the accumulation limit was exceeded are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725, and the notification requirements of Section 3010 of RCRA. The time period of Section 722.134 for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed the applicable exclusion level.

g) In order for hazardous waste generated by a small quantity generator to be excluded from full regulation under this Section, the generator must:

1) Comply with 35 Ill. Adm. Code 722.111;

2) If he stores his hazardous waste on-site, store it in compliance with the requirements of paragraph (f); and

3) Either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which is:

A) Permitted under 35 Ill. Adm. Code 702 and 703;

B) In interim status under 35 Ill. Adm. Code 703 and 725;

C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR 271;

D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or

E) A facility which:

i) Beneficially uses or re-uses, or legitimately recycles or reclaims his waste; or

ii) Treats his waste prior to beneficial use or re-use, or legitimate recycling or reclamation.

h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.

i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.

(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)

**Section 721.106 Special Requirements for Hazardous Waste Which is Used, Re-used, Recycled or Reclaimed**

a) Except as otherwise provided in paragraph (b), a hazardous waste which meets any of the following criteria is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 or 722 through 725 and is not subject to the notification requirements of Section 3010 of RCRA until such time as the Board promulgates regulations to the contrary:

1) It is being beneficially used or reused or legitimately recycled or reclaimed.

2) It is being accumulated, stored or physically, chemically or biologically treated prior to beneficial use or reuse or legitimate recycling or reclamation.

3) It is one of the following materials being used, reused, recycled or reclaimed in the specified manner: spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit, or which is being accumulated, stored, or physically, chemically or biologically treated before such reuse.

b) Except for those wastes listed in paragraph (a)(3), a hazardous waste which is a sludge, or which is listed in Sections 721.131 or 721.132, or which contains one or more hazardous wastes listed in Sections 721.131 or 721.132; and which is transported or stored prior to being used, re-used, recycled or reclaimed is subject to the following requirements with respect to such transportation or storage:

1) Notification requirements under Section 3010 RCRA.

2) 35 Ill. Adm. Code 722.

3) 35 Ill. Adm. Code 723.

4) 35 Ill. Adm. Code 724, Subparts A through L.

5) 35 Ill. Adm. Code 725, Subpart A through L.

6) 35 Ill. Adm. Code 702, 703 and 705, with respect to storage facilities.

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

**Section 721.107 Residues of Hazardous Waste in Empty Containers**

a)

1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in paragraph (b), is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 or 721 through 725 or to the notification requirements of Section 3010 of RCRA.

2) Any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty, as defined in paragraph (b), is subject to regulations under 35 Ill. Adm. Code 702, 703, 705 and 721 through 725 and to the notification requirements of Section 3010 of RCRA.

b)

1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is compressed gas or that is identified as an acute hazardous waste (H) in Sections 721.131, 721.132, or 721.133(e), is empty if:

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)

i) No more than 3 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 110 gallons 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 110 gallons 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 atmospheric.

3) A container or an inner liner removed from a container that has held a hazardous waste which is identified as an acute hazardous waste (H) in Sections 721.131, 721.132 or 721.133(e), is empty if:

A) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

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

**Section 721.110 Criteria for Identifying the Characteristics of Hazardous Waste.**

The basis of the hazardous waste characteristics is given at 40 CFR Section 261.10. The characteristics are found at Section 721.120 et. seq.

**Section 721.111 Criteria for Listing Hazardous**

a) USEPA's criteria for listing hazardous waste are given at 40 CFR Section 261.11.

b) "P" list: Acute hazardous wastes are listed in Section 721.133(e). Acute hazardous wastes are those which have been found to be fatal. Acute toxic wastes are those which have been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 mg/kg, an inhalation LC 50 toxicity (rat) of less than 2 mg/l, or a dermal LD 50 toxicity (rabbit) of less than 200 mg/kg or is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness. (Waste listed in accordance with these criteria will be designated Acute Hazardous Waste).

c) "U" list: Toxic wastes are listed in Section 721.133(f). The method for listing toxic wastes is given at 40 CFR Section 261.11(a)(3).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

**Section 721.120 General**

a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart.

(Board Note: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether his waste exhibits one or more of the characteristics identified in this Subpart.)

b) A hazardous waste which is identified by a characteristic in this Subpart, but is not listed as a hazardous waste in Subpart D, is assigned the EPA Hazardous Waste Number set forth in the respective characteristic in this Subpart. This number must be used in complying with the notification requirements of Section 3010 of the RCRA Act and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703 and 722 through 725.

c) For purposes of this Subpart, a sample obtained using any of the applicable sampling methods specified in Appendix A is a representative sample within the meaning of 35 Ill. Adm. Code 720.

(Board Note: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of his method under the procedures set forth in 35 Ill. Adm. Code 720.121.

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

**Section 721.121 Characteristic of Ignitability**

a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F), as determined by Pensky-Martens Closed Cup Tester, using the test method specified in the American Sociey of Testing Materials (ASTM) Standard D-93-79 or D-93-80 (incorporated by reference, see Section 720.111), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 (incorporated by reference, see Section 720.111), or as determined by an equivalent test method approved by the Board (Section 720.120).

2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

3) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (Section 720.120).

4) It is an oxidizer as defined in 49 CFR 173.151.

b) A solid waste that exhibits the characteristic of ignitability, but is not listed as a hazardous waste in Subpart D, has the EPA Hazardous Waste Number of D001.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**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 either an EPA test method or an equivalent test method (Section 720.121). The EPA test method for pH is specified as Method 5.2 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 720.111).

2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 720.111) or an equivalent test method (Section 720.121).

b) A solid waste that exhibits the characteristic of corrosivity, but is not listed as a hazardous waste in Subpart D, has the EPA Hazardous Waste Number of D002.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 721.123 Characteristic of Reactivity**

a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

1) It is normally unstable and readily undergoes violent change without detonating.

2) It reacts violently with water.

3) It forms potentially explosive mixtures with water.

4) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

5) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

6) It is capable of detonation of explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

7) It is readily capable of detonation of explosive decomposition or reaction at standard temperature and pressure.

8) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

b) A solid waste that exhibits the characteristic of reactivity, but is not listed as a hazardous waste in Subpart D, has the EPA Hazardous Waste Number of D003.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 721.124 Characteristic of EP Toxicity**

a) A solid waste exhibits the characteristic of EP toxicity if, using the test methods described in Appendix II or

equivalent methods (Section 720.121), the extract from a representative sample of the waste contains any of the contaminants listed in Table I at a concentration equal to or greater than the respective value given in that Table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract for the purposes of this Section.

b) A solid waste that exhibits the characteristic of EP toxity, but is not listed as a hazardous waste in Subpart D, has the EPA Hazardous Waste Number specified in Table I which corresponds to the toxic contaminant causing it to be hazardous.

TABLE I. — CONCENTRATION OF CONTAMINANTS FOR CHARACTERISTICS OF EP TOXICITY

| EPA Hazardous Waste Number | Contaminant | Concentration (mg/l) |
|---|---|---|
| D004 | Arsenic | 5.0 |
| D005 | Barium | 100.0 |
| D006 | Cadmium | 1.0 |
| D007 | Chromium | 5.0 |
| D008 | Lead | 5.0 |
| D009 | Mercury | 0.2 |
| D010 | Selenium | 1.0 |
| D011 | Silver | 5.0 |
| D012 | Endrin (1,2,3,4,10,10-hexachloro- 1,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo, endo-5, 8-dimethano naphthalene | 0.02 |
| D013 | Lindane (1,2,3,4,5,6-hexachlorocyclo-hexane,gamma isomer) | 0.4 |
| D014 | Methoxychlor (1,1,1-Trichloro-2,2-bis [p-methoxyphenyl] ethane) | 10.0 |
| D015 | Toxaphene ($C_{10}H_{10}Cl_8$, Technical chlorinated camphene, 67-69 percent chlorine) | 0.5 |
| D016 | 2,4,-D, (2,4-Dichlorophenoxyacetic acid) | 10.0 |
| D017 | 2,4,5-TP Silvex (2,4,5-Trichlorophenoxypro-pionic acid) | 1.0 |

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART D: LISTS OF HAZARDOUS WASTE

### Section 721.130 General

a) A solid waste is a hazardous waste if it is listed in this Subpart, unless it has been excluded from this list under 35 Ill. Adm. Code 720.120 and 720.122.

b) The basis for listing the classes or types of wastes listed in this Subpart is indicated by employing one or more of the Hazard Codes:

1)

| | | |
|---|---|---|
| A) | Ignitable Waste | (I) |
| B) | Corrosive Waste | (C) |
| C) | Reactive Waste | (R) |
| D) | EP Toxic Waste | (E) |
| E) | Acute Hazardous Waste | (H) |
| F) | Toxic Waste | (T) |

2) Appendix G identifies the constituent which caused the Administrator to list the waste as an EP Toxic Waste (E) or Toxic Waste (T) in Sections 721.131 and 721.132.

c) Each hazardous waste listed in this Subpart is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 of the Act and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703 and 722 through 725 and 40 CFR Part 122.

d) The following hazardous wastes listed in Section 721.131 or 721.132 are subject to the exclusion limits for acutely hazardous wastes established in Section 721.105: None.

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

**Section 721.131 Hazardous Wastes From Nonspecific Sources**

| Industry and EPA Hazardous Waste No. | Hazardous Waste | Hazard Code |
|---|---|---|
| Generic: | | |
| F001 | The following spent halogenated solvents used in degreasing tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. | (T) |
| F002 | The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents. | (T) |
| F003 | The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents. | (I) |
| F004 | The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene; and the still bottoms from the recovery of these solvents. | (T) |
| F005 | The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine; and the still bottoms from the recovery of these solvents. | (I, T) |
| F006 | Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. | (T) |
| F019 | Wastewater treatment sludges from the chemical conversion coating of aluminum. | (T) |
| F007 | Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions). | (R, T) |
| F008 | Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges). | (R, T) |
| F009 | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions). | (R, T) |
| F010 | Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges). | (R, T) |
| F011 | Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning). | (R, T) |
| F012 | Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges). | (T) |
| F020 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri-, tetra-, or pentachlorophenol, or of intermediates used to produce their derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2, 4, 5-trichlorophenol.) | (H) |
| F021 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. | (H) |
| F022 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a fomulating process) of materials listed under F020 and F021. | (H) |
| F023 | Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. | (H) |
| F024 | Wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, spent catalysts and wastes listed in Section 721.132.) | (T) |

(Board Note: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.)

**Section 721.132 Hazardous Waste from Specific Sources**

Wood Preservation:

| | | |
|---|---|---|
| K001 | Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. | (T) |

Inorganic Pigments:

| | | |
|---|---|---|
| K002 | Wastewater treatment sludge from the production of chrome yellow and orange pigments. | (T) |
| K003 | Wastewater treatment sludge from the production of molybdate orange pigments. | (T) |
| K004 | Wastewater treatment sludge from the production of zinc yellow pigments. | (T) |
| K005 | Wastewater treatment sludge from the production of chrome green pigments. | (T) |
| K006 | Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). | (T) |
| K007 | Wastewater treatment sludge from the production of iron blue pigments. | (T) |
| K008 | Oven residue from the production of chrome oxide green pigments. | (T) |

Organic Chemicals:

| | | |
|---|---|---|
| K009 | Distillation bottoms from the production of acetaldehyde from ethylene. | (T) |
| K010 | Distillation side cuts from the production of acetaldehyde from ethylene. | (T) |
| K011 | Bottom stream from the wastewater stripper in the production of acrylonitrile. | (R, T) |
| K013 | Bottom stream from the acetrontrile column in the production of acrylontrile. | (T) |
| K014 | Bottoms from the acetontrile purification column in the production of acrylonitrile. | (T) |
| K015 | Still bottoms from the distillation of benzyl chloride. | (T) |
| K016 | Heavy ends or distillation residues from the production of carbon tetrachloride. | (T) |
| K017 | Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. | (T) |
| K018 | Heavy ends from the fractionation column in ethyl chloride production. | (T) |
| K019 | Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. | (T) |
| K020 | Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. | (T) |
| K021 | Aqueous spent antimony catalyst waste from fluoromethanes production. | (T) |
| K022 | Distillation bottom tars from the production of phenol/acetone from cumene. | (T) |
| K023 | Distillation light ends from the production of phthalic anhydride from naphthalene. | (T) |
| K024 | Distillation bottoms from the production of phthalic anhydride from naphthalene. | (T) |
| K093 | Distillation light ends from the production of phthalic anhydride from orthoxylene. | (T) |
| K094 | Distillation bottoms from the production of phthalic anhydride from orthoxylene. | (T) |
| K025 | Distillation bottoms from the production of nitrobenzene by the nitration of benzene. | (T) |
| K026 | Stripping still tails from the production of methyl ethyl pyridines. | (T) |
| K027 | Centrifuge and distillation residues from toluene diisocyanate production. | (R, T) |
| K028 | Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. | (T) |
| K029 | Waste from the product stream stripper in the production of 1,1,1-trichloroethane. | (T) |
| K095 | Distillation bottoms from the production of 1,1,1-trichloroethane. | (T) |
| K096 | Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. | (T) |
| K030 | Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. | (T) |
| K083 | Distillation bottoms from aniline production. | (T) |
| K103 | Process residues from aniline extraction from the production of aniline. | (T) |
| K104 | Combined wastewater streams generated from nitrobenzene/aniline production. | (T) |
| K085 | Distillation or fractionation column bottoms from the production of chlorobenzenes. | (T) |
| K105 | Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. | (T) |

Inorganic Chemicals:

| | | |
|---|---|---|
| K071 | Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. | (T) |
| K073 | Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. | (T) |
| K106 | Wastewater treatment sludge from the mercury cell process in chlorine production. | (T) |

Pesticides:

| | | |
|---|---|---|
| K031 | By-product salts generated in the production of MSMA and cacodylic acid. | (T) |
| K032 | Wastewater treatment sludge from the production of chlordane. | (T) |
| K033 | Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. | (T) |
| K034 | Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. | (T) |
| K097 | Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. | (T) |
| K035 | Wastewater treatment sludges generated in the production of creosote. | (T) |
| K036 | Still bottoms from toluene reclamation distillation in the production of disulfoton. | (T) |
| K037 | Wastewater treatment sludges from the production of disulfoton. | (T) |
| K038 | Wastewater from the washing and stripping of phorate production. | (T) |
| K039 | Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. | (T) |
| K040 | Wastewater treatment sludge from the production of phorate. | (T) |
| K041 | Wastewater treatment sludge from the production of toxaphene. | (T) |
| K098 | Untreated process wastewater from the production of toxaphene. | (T) |
| K042 | Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. | (T) |
| K043 | 2,6-Dichlorophenol waste from the production of 2,4-D. | (T) |
| K099 | Untreated wastewater from the production of 2,4-D. | (T) |

Explosives:

| | | |
|---|---|---|
| K044 | Wastewater treatment sludges from the manufacturing and processing of explosives. | (R) |
| K045 | Spent carbon from the treatment of wastewater containing explosives. | (R) |
| K046 | Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. | (T) |
| K047 | Pink/red water from TNT operations. | (R) |

Petroleum Refining:

| | | |
|---|---|---|
| K048 | Dissolved air flotation (DAF) float from the petroleum refining industry. | (T) |
| K049 | Slop oil emulsion solids from the petroleum refining industry. | (T) |
| K050 | Heat exchanger bundle cleaning sludge from the petroleum refining industry. | (T) |
| K051 | API separator sludge from the petroleum refining industry. | (T) |
| K052 | Tank bottoms (leaded) from the petroleum refining industry. | (T) |

Iron and Steel:

| | | |
|---|---|---|
| K061 | Emission control dust/sludge from the primary production of steel in electric furnaces. | (T) |
| K062 | Spent pickle liquor from steel finishing operations. | (C, |

Secondary Lead:

| | | |
|---|---|---|
| K069 | Emission control dust/sludge from secondary lead smelting. | (T) |
| K100 | Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. | (T) |

Veterinary Pharmaceuticals:

| | | |
|---|---|---|
| K084 | Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | (T) |
| K101 | Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | (T) |
| K102 | Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | (T) |

Ink Formulation:

| | | |
|---|---|---|
| K086 | Solvent washes and sludges, casutic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead. | (T) |

Coking:

| | | |
|---|---|---|
| K060 | Ammonia still lime sludge from coking operations. | (T) |
| K087 | Decanter tank tar sludge from coking operations. | (T) |

**Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Containers and Spill Residues**

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded:

a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f).

b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraphs (e) or (f).

c) Any container or inner liner removed from a container that has been used to hold any commercial chemical product or manufacturing chemical intermediate having the generic names listed in paragraph (e), or any container or inner liner removed from a container that has been used to hold any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) unless:

1) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

2) The container or inner liner has been cleansed by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

3) 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.

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 paragraph (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 which, if it met specifications, would have the generic name listed in paragraph (e) or (f).

(Comment: The phrase "commerical chemical product or manufacturing chemical intermediate having the generic name listed in ..." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which 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 paragraphs (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraphs (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C of this Part.)

e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this Section, are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e).

(Comment: 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). Absence of a letter indicates that the compound only is listed for acute toxicity. These wastes and their corresponding EPA Hazardous Waste Numbers are:)

| Hazardous Waste No. | Substance |
|---|---|
| P023 | Acetaldehyde, chloro- |
| P002 | Acetamide, N-(aminothioxomethyl)- |
| P057 | Acetamide, 2-fluoro- |
| P058 | Acetic acid, fluoro-, sodium salt |
| P066 | Acetimedic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester |
| P001 | 3-(alpha-acetonylbenzyl)-4-hydroxycoumarin and salts |
| P002 | 1-Acetyl-2-thiourea |
| P003 | Acrolein |
| P070 | Aldicarb |
| P004 | Aldrin |
| P005 | Allyl alcohol |
| P006 | Aluminum phosphide |
| P007 | 5-(Aminomethyl)-3-isoxazolol |
| P008 | 4-Aminopyridine |
| P009 | Ammonium picrate (R) |
| P119 | Ammonium vanadate |
| P010 | Arsenic acid |
| P012 | Arsenic (III) oxide |
| P011 | Arsenic (V) oxide |
| P011 | Arsenic pentoxide |
| P012 | Arsenic trioxide |
| P038 | Arsine, diethyl- |
| P054 | Aziridine |
| P013 | Barium cyanide |
| P024 | Benzenamine, 4-chloro- |
| P077 | Benzenamine, 4-nitro- |
| P028 | Benzene, (chloromethyl)- |
| P042 | 1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]- |
| P014 | Benzenethiol |
| P028 | Benzyl chloride |
| P015 | Beryllium dust |
| P016 | Bis(chloromethyl) ether |
| P017 | Bromoacetone |
| P018 | Brucine |
| P021 | Calcium cyanide |
| P123 | Camphene, octachloro- |
| P103 | Carbamidoselensoic acid |
| P022 | Carbon bisulfide |
| P022 | Carbon disulfide |
| P095 | Carbonyl chloride |
| P033 | Chlorine cyanide |
| P023 | Chloroacetaldehyde |
| P024 | p-Chloroaniline |
| P026 | 1-(o-Chlorophenyl)thiourea |
| P027 | 3-Chloropropionitrile |
| P029 | Copper cyanides |
| P030 | Cyanides (soluble cyanide salts), not elsewhere specified |
| P031 | Cyanogen |
| P033 | Cyanogen chloride |
| P036 | Dichlorophenylarsine |
| P037 | Dieldrin |
| P038 | Diethylarsine |
| P039 | O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate |
| P041 | Diethyl-p-nitrophenyl phosphate |

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|---|---|
| P040 | O,O-Diethyl O-pyrazinyl phosphorothioate |
| P043 | Diisopropyl fluorophosphate |
| P044 | Dimethoate |
| P045 | 3,3-Dimethyl-1-(methylthio)-2-butanone, 0-[(methylamino) carbonyl] oxime |
| P071 | O,O-Dimethyl O-p-nitrophenyl phosphorothioate |
| P082 | Dimethylnitrosamine |
| P046 | alpha, alpha-Dimethylphenethylamine |
| P047 | 4,6-Dinitro-o-cresol and salts |
| P034 | 4,6-Dinitro-o-cyclohexylphenol |
| P048 | 2,4-Dinitrophenol |
| P020 | Dinoseb |
| P085 | Diphosphoramide, octamethyl- |
| P039 | Disulfoton |
| P049 | 2,4-Dithiobiuret |
| P109 | Dithiopyrophosphoric acid, tetraethyl ester |
| P050 | Endosulfan |
| P088 | Endothall |
| P051 | Endrin |
| P042 | Epinephrine |
| P046 | Ethanamine, 1,1-dimethyl-2-phenyl- |
| P084 | Ethenamine, N-methyl-N-nitroso- |
| P101 | Ethyl cyanide |
| P054 | Ethylenimine |
| P097 | Famphur |
| P056 | Fluorine |
| P057 | Fluoroacetamide |
| P058 | Fluoroacetic acid, sodium salt |
| P065 | Fulminic acid, mercury (II) salt (R,T) |
| P059 | Heptachlor |
| P051 | 1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, endo-1, 4:5, 8-dimethanonaphthalene |
| P037 | 1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, exo-1, 4:5, 8-dimethanonaphthalene |
| P060 | 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, endo-dimethanonaphthalene |
| P004 | 1,2,3,4,10,10,-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, exo-dimethanonaphthalene |
| P060 | Hexachlorohexahydro-exo,exo-dimethanonaphthalene |
| P062 | Hexaethyl tetraphosphate |
| P116 | Hydrazinecarbothioamide |
| P068 | Hydrazine, methyl- |
| P063 | Hydrocyanic acid |
| P063 | Hydrogen cyanide |
| P096 | Hydrogen phosphide |
| P064 | Isocyanic acid, methyl ester |
| P007 | 3(2H)-Isoxazolone, 5-(aminomethyl)- |
| P092 | Mercury, phenyl-, acetate |
| P065 | Mercury fulminate (R,T) |
| P016 | Methane, oxybis(chloro- |
| P112 | Methane, tetranitro- (R) |
| P118 | Methanethiol, trichloro- |
| P059 | 4,7-Methano-1H-indene,1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro- |
| P066 | Methomyl |
| P067 | 2-Methylaziridine |
| P068 | Methyl hydrazine |
| P064 | Methyl isocyanate |
| P069 | 2-Methyllactonitrile |
| P071 | Methyl parathion |
| P072 | alpha-Naphthylthiourea |
| P073 | Nickel carbonyl |
| P074 | Nickel cyanide |
| P074 | Nickel(II) cyanide |
| P073 | Nickel tetracarbonyl |
| P075 | Nicotine and salts |
| P076 | Nitric oxide |
| P077 | p-Nitroaniline |
| P078 | Nitrogen dioxide |
| P076 | Nitrogen (II) oxide |
| P078 | Nitrogen (IV) oxide |
| P081 | Nitroglycerine (R) |
| P082 | N-Nitrosodimethylamine |
| P084 | N-Nitrosomethylvinylamine |
| P050 | 5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite |
| P085 | Octamethylpyrophosphoramide |
| P087 | Osmium oxide |
| P087 | Osmium tetroxide |
| P088 | 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid |
| P089 | Parathion |
| P034 | Phenol, 2-cyclohexyl-4,6-dinitro- |
| P048 | Phenol, 2,4-dinitro- |
| P047 | Phenol, 2,4,-dinitro-6-methyl- |
| P020 | Phenol, 2,4-dinitro-6-(1-methylpropyl)- |
| P009 | Phenol, 2,4,6-trinitro-, ammonium salt (R) |
| P036 | Phenyl dichloroarsine |
| P092 | Phenylmercuric acetate |
| P093 | N-Phenylthiourea |
| P094 | Phorate |
| P095 | Phosgene |
| P096 | Phosphine |
| P041 | Phosphoric acid, diethyl p-nitrophenyl ester |
| P044 | Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl]ester |
| P043 | Phosphorofluoric acid, bis(1-methylethyl)ester |
| P094 | Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester |
| P089 | Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester |
| P040 | Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester |
| P097 | Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)-sulfonyl)phenyl]ester |
| P110 | Plumbane, tetraethyl- |
| P098 | Potassium cyanide |
| P099 | Potassium silver cyanide |
| P070 | Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino) carbonyl]oxime |
| P101 | Propanenitrile |
| P027 | Propanentrile, 3-chloro- |
| P069 | Propanenitrile, 2-hydroxy-2-methyl- |
| P081 | 1,2,3-Propanetriol, trinitrate- (R) |
| P017 | 2-Propanone, 1-bromo- |
| P102 | Propargyl alcohol |
| P003 | 2-Propenal |
| P005 | 2-Propen-1-ol |
| P067 | 1,2-Propylenimine |
| P102 | 2-Propyn-1-ol |
| P008 | 4-Pyridinamine |
| P075 | Pyridine, (S)-3-(1-methy-2-pyrrolidinyl)-, and salts |
| P111 | Pyrophosphoric acid, tetraethyl ester |
| P103 | Selenourea |
| P104 | Silver cyanide |
| P105 | Sodium azide |
| P106 | Sodium cyanide |
| P107 | Strontium sulfide |
| P108 | Strychnidin-10-one, and salts |
| P018 | Strychnidin-10-one, 2,3-dimethoxy- |
| P108 | Strychnine and salts |
| P115 | Sulfuric acid, thallium(I) salt |
| P109 | Tetraethyldithiopyrophosphate |
| P110 | Tetraethyl lead |
| P111 | Tetraethylpyrophosphate |
| P112 | Tetranitromethane (R) |
| P062 | Tetraphosphoric acid, hexaethyl ester |
| P113 | Thallic oxide |
| P113 | Thallium(III) oxide |
| P114 | Thallium(I) selenite |
| P115 | Thallium (I) sulfate |
| P045 | Thiofanox |
| P049 | Thioimidodicarbonic diamide |
| P014 | Thiophenol |
| P116 | Thiosemicarbazide |
| P026 | Thiourea, (2-chlorophenyl)- |
| P072 | Thiourea, 1-naphthalenyl- |
| P093 | Thiourea, phenyl- |
| P123 | Toxaphene |
| P118 | Trichloromethanethiol |
| P119 | Vanadic acid, ammonium salt |
| P120 | Vanadium pentoxide |

| | |
|---|---|
| P120 | Vanadium(V) oxide |
| P001 | Warfarin |
| P121 | Zinc cyanide |
| P122 | Zinc phosphide (R,T) |

f) the commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products referred to in paragraphs (a) through (d), are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (f).

(Comment: 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). Absence of a letter indicates that the compound is only listed for toxicity. These wastes and their corresponding EPA Hazardous Waste Numbers are:)

| Hazardous Waste No. | Substance |
|---|---|
| U001 | Acetaldehyde (I) |
| U034 | Acetaldehyde, trichloro- |
| U187 | Acetamide, N-(4-ethoxyphenyl)- |
| U005 | Acetamide, N-9H-fluoren-2-yl- |
| U112 | Acetic acid, ethyl ester (I) |
| U144 | Acetic acid, lead salt |
| U214 | Acetic acid, thallium(I) salt |
| U002 | Acetone (I) |
| U003 | Acetonitrile (I,T) |
| U004 | Acetophenone |
| U005 | 2-Acetylaminofluorene |
| U006 | Acetyl chloride (C,R,T) |
| U007 | Acrylamide |
| U008 | Acrylic acid (I) |
| U009 | Acrylontrile |
| U150 | Alanine, 3-[p-bis(2-chloroethyl)amino] phenyl-, L- |
| U011 | Amitrole |
| U012 | Aniline (I,T) |
| U014 | Auramine |
| U015 | Azaserine |
| U010 | 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-, |
| U157 | Benz[j]aceanthrylene, 1,2-dihydro-3-methyl- |
| U016 | Benz(c)acridine |
| U016 | 3,4-Benzacridine |
| U017 | Benzal chloride |
| U018 | Benz[a]anthracene |
| U018 | 1,2-Benzanthracene |
| U094 | 1,2-Benzanthracene, 7,12-dimethyl- |
| U012 | Benzenamine (I,T) |
| U014 | Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl- |
| U049 | Benzenamine, 4-chloro-2-methyl- |
| U093 | Benzenamine, N,N'-dimethyl-4-phenylazo- |
| U158 | Benzenamine, 4,4'-methylenebis(2-chloro- |
| U222 | Benzenamine, 2-methyl-, hydrochloride |
| U181 | Benzenamine, 2-methyl-5-nitro |
| U019 | Benzene (I,T) |
| U038 | Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester |
| U030 | Benzene, 1-bromo-4-phenoxy- |
| U037 | Benzene, chloro- |
| U190 | 1,2-Benzenedicarboxylic acid anhydride |
| U028 | 1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester |
| U069 | 1,2-Benzenedicarboxylic acid, dibutyl ester |
| U088 | 1,2-Benzenedicarboxylic acid, diethyl ester |
| U102 | 1,2-Benzenedicarboxylic acid, dimethyl ester |
| U107 | 1,2-Benzenedicarboxylic acid, di-n-octyl ester |
| U070 | Benzene, 1,2-dichloro- |
| U071 | Benzene, 1,3-dichloro- |
| U072 | Benzene, 1,4-dichloro- |
| U017 | Benzene, (dichloromethyl)- |
| U223 | Benzene, 1,3-diisocyanatomethyl-(R,T) |
| U239 | Benzene, dimethyl-(I,T) |
| U201 | 1,3-Benzenediol |
| U127 | Benzene, hexachloro- |
| U056 | Benzene, hexahydro-(I) |
| U188 | Benzene, hydroxy- |
| U220 | Benzene, methyl- |
| U105 | Benzene, 1-methyl-1-2,4-dinitro- |
| U106 | Benzene, 1-methyl-2,6-dinitro- |
| U203 | Benzene, 1,2-methylenedioxy-4-allyl- |
| U141 | Benzene, 1,2-methylenedioxy-4-propenyl- |
| U090 | Benzene, 1,2-methylenedioxy-4-propyl- |
| U055 | Benzene, (1-methylethyl)- (I) |
| U169 | Benzene, nitro- (I,T) |
| U183 | Benzene, pentachloro- |
| U185 | Benzene, pentachloronitro- |
| U020 | Benzenesulfonic acid chloride (C,R) |
| U020 | Benzenesulfonyl chloride (C,R) |
| U207 | Benzene, 1,2,4,5-tetrachloro- |
| U023 | Benzene, (trichloromethyl)-(C,R,T) |
| U234 | Benzene, 1,3,5-trinitro- (R,T) |
| U021 | Benzidine |
| U202 | 1,2-Benzisothiazolin-3-one, 1,1-dixoide |
| U120 | Benzo[j,k]fluorene |
| U022 | Benzo[a]pyrene |
| U022 | 3,4-Benzopyrene |
| U197 | p-Benzoquinone |
| U023 | Benzotrichloride (C,R,T) |
| U050 | 1,2-Benzphenanthrene |
| U085 | 2,2'-Bioxirane (I,T) |
| U021 | (1,1'-Biphenyl)-4,4'-diamine |
| U073 | (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro- |
| U091 | (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy- |
| U095 | (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl- |
| U024 | Bis(2-chloroethoxy) methane |
| U027 | Bis(2-chloroisopropyl) ether |
| U244 | Bis(dimethylthiocarbamoyl) disulfide |
| U028 | Bis(2-ethylhexyl) phthalate |
| U246 | Bromine cyanide |
| U225 | Bromoform |
| U030 | 4-Bromophenyl phenyl ether |
| U128 | 1,3-Butadiene, 1,1,2,3,4,4-hexachloro- |
| U172 | 1-Butanamine, N-butyl-N-nitroso- |
| U035 | Butanoic acid, 4-[Bis(2-chloroethyl)amino] benzene- |
| U031 | 1-Butanol (I) |
| U159 | 2-Butanone (I,T) |
| U160 | 2-Butanone peroxide (R,T) |
| U053 | 2-Butenal |
| U074 | 2-Butene, 1,4-dichloro- (I,T) |
| U031 | n-Butyl alcohol (I) |
| U136 | Cacodylic acid |
| U032 | Calcium chromate |
| U238 | Carbamic acid, ethyl ester |
| U178 | Carbamic acid, methylnitroso-, ethyl ester |
| U176 | Carbamide, N-ethyl-N-nitroso- |
| U177 | Carbamide, N-methyl-N-nitroso- |
| U219 | Carbamide, thio- |
| U097 | Carbamoyl chloride, dimethyl |
| U215 | Carbonic acid, dithallium (I) salt |
| U156 | Carbonochloridic acid, methyl ester (I,T) |
| U033 | Carbon oxyfluoride (R,T) |
| U211 | Carbon tetrachloride |
| U033 | Carbonyl fluoride (R,T) |
| U034 | Chloral |
| U035 | Chlorambucil |
| U036 | Chlordane, technical |
| U026 | Chlornaphazine |
| U037 | Chlorobenzene |
| U039 | 4-Chloro-m-cresol |
| U041 | 1-chloro-2,3-epoxypropane |
| U042 | 2-Chloroethyl vinyl ether |

| | |
|---|---|
| U044 | Chloroform |
| U046 | Chloromethyl methyl ether |
| U047 | beta-Chloronapthalene |
| U048 | o-Chlorophenol |
| U049 | 4-chloro-o-toluidine, hydrochloride |
| U032 | Chromic acid, calcium salt |
| U050 | Chrysene |
| U051 | Creosote |
| U052 | Cresols |
| U052 | Cresylic acid |
| U053 | Crotonaldehyde |
| U055 | Cumeme (I) |
| U246 | Cyanogen bromide |
| U197 | 1,4-Cyclohexadienedione |
| U056 | Cyclohexane (I) |
| U057 | Cyclohexanone (I) |
| U130 | 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro- |
| U058 | Cyclophosphamide |
| U240 | 2,4-D, salts and esters |
| U059 | Daunomycin |
| U060 | DDD |
| U061 | DDT |
| U142 | Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one |
| U062 | Diallate |
| U133 | Diamine (R,T) |
| U221 | Diaminotoluene |
| U063 | Dibenz[a,h]anthracene |
| U063 | 1,2:5,6-Dibenzanthracene |
| U064 | 1,2:7,8-Dibenzopyrene |
| U064 | Dibenz[a,i]pyrene |
| U066 | 1,2-Dibromo-3-chloropropane |
| U069 | Dibutyl phthalate |
| U062 | S-(2,3-Dichloroallyl) diisopropylthiocarbamate |
| U070 | o-Dichlorobenzene |
| U071 | m-Dichlorobenzene |
| U072 | p-Dichlorobenzene |
| U073 | 3,3'-Dichlorobenzidine |
| U074 | 1,4-Dichloro-2-butene (I,T) |
| U075 | Dichlorodifluoromethane |
| U192 | 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide |
| U060 | Dichloro diphenyl dichloroethane |
| U061 | Dichloro diphenyl trichloroethane |
| U078 | 1,1-Dichloroethylene |
| U079 | 1,2-Dichloroethylene |
| U025 | Dichloroethyl ether |
| U081 | 2,4-Dichlorophenol |
| U082 | 2,6-Dichlorophenol |
| U240 | 2,4-Dichlorophenoxyacetic acid, salts and esters |
| U083 | 1,2-Dichloropropane |
| U084 | 1,3-Dichloropropene |
| U085 | 1,2:3,4-Diepoxybutane (I,T) |
| U108 | 1,4-Diethylene dioxide |
| U086 | N,N-Diethylhydrazine |
| U087 | O,O-Diethyl-S-methyl-dithiophosphate |
| U088 | Diethyl phthalate |
| U089 | Diethylstilbestrol |
| U148 | 1,2-Dihydro-3,6-pyradizinedione |
| U090 | Dihydrosafrole |
| U091 | 3,3'-Dimethoxybenzidine |
| U092 | Dimethylamine (I) |
| U093 | Dimethylaminoazobenzene |
| U094 | 7,12-Dimethylbenz[a]anthracene |
| U095 | 3,3'-Dimethylbenzidine |
| U096 | alpha, alpha-Dimethylbenzylhydroperoxide (R) |
| U097 | Dimethylcarbamoyl chloride |
| U098 | 1,1-Dimethylhydrazine |
| U099 | 1,2-Dimethylhydrazine |
| U101 | 2,4-Dimethylphenol |
| U102 | Dimethyl phthalate |
| U103 | Dimethyl sulfate |
| U105 | 2,4-Dinitrotoluene |
| U106 | 2,6-Dinitrotoluene |
| U107 | Di-n-octyl phthalate |
| U108 | 1,4-Dioxane |
| U109 | 1,2-Diphenylhydrazine |
| U110 | Dipropylamine (I) |
| U111 | Di-N-propylnitrosoamine |
| U001 | Ethanal (I) |
| U174 | Ethanamine, N-ethyl-N-nitroso- |
| U067 | Ethane, 1,2-dibromo- |
| U076 | Ethane, 1,1-dichloro- |
| U077 | Ethane, 1,2-dichloro- |
| U114 | 1,2-Ethanediylbiscarbamodithioic acid |
| U131 | Ethane, 1,1,1,2,2,2-hexachloro- |
| U024 | Ethane, 1,1'-[methylenebis(oxy)]bis(2-chloro- |
| U247 | Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenol)- |
| U003 | Ethanenitrile (I,T) |
| U117 | Ethane, 1,1'-oxybis- (I) |
| U025 | Ethane, 1,1'-oxybis(2-chloro- |
| U184 | Ethane, pentachloro- |
| U208 | Ethane, 1,1,1,2-tetrachloro- |
| U209 | Ethane, 1,1,2,2-tetrachloro- |
| U218 | Ethanethioamide |
| U227 | Ethane, 1,1,2-trichloro- |
| U043 | Ethene, chloro- |
| U042 | Ethene, 2-chloroethoxy- |
| U078 | Ethene, 1,1-dichloro- |
| U079 | Ethene, trans-1,2-dichloro- |
| U210 | Ethene, 1,1,2,2-tetrachloro- |
| U173 | Ethanol, 2,2'-(nitrosoimino)bis- |
| U004 | Ethanone, 1-phenyl- |
| U006 | Ethanoyl chloride (C,R,T) |
| U112 | Ethyl acetate (I) |
| U113 | Ethyl acrylate (I) |
| U238 | Ethyl carbamate (urethan) |
| U038 | Ethyl 4,4'-dichlorobenzilate |
| U114 | Ethylenebis(dithiocarbamic acid) |
| U067 | Ethylene dibromide |
| U077 | Ethylene dichloride |
| U115 | Ethylene oxide (I,T) |
| U116 | Ethylene thiourea |
| U117 | Ethyl ether (I) |
| U076 | Ethylidene dichloride |
| U118 | Ethylmethacrylate |
| U119 | Ethyl methanesulfonate |
| U139 | Ferric dextran |
| U120 | Fluoranthene |
| U122 | Formaldehyde |
| U123 | Formic acid (C,T) |
| U124 | Furan (I) |
| U125 | 2-Furancarboxaldehyde (I) |
| U147 | 2,5-Furandione |
| U213 | Furan, tetrahydro- (I) |
| U125 | Furfural (I) |
| U124 | Furfuran (I) |
| U206 | D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)- |
| U126 | Glycidylaldehyde |
| U163 | Guanidine, N-nitroso-N-methyl-N'-nitro |
| U127 | Hexachlorobenzene |
| U128 | Hexachlorobutadiene |
| U129 | Hexachlorocyclohexane (gamma isomer) |
| U130 | Hexachlorocyclopentadiene |
| U131 | Hexachloroethane |
| U132 | Hexachlorophene |
| U243 | Hexachloropropene |
| U133 | Hydrazine (R,T) |
| U086 | Hydrazine, 1,2-diethyl- |
| U098 | Hydrazine, 1,1-dimethyl- |
| U099 | Hydrazine, 1,2-dimethyl- |
| U109 | Hydrazine, 1,2-Diphenyl- |
| U134 | Hydrofluoric acid (C,T) |
| U134 | Hydrogen fluoride (C,T) |
| U135 | Hydrogen sulfide |
| U096 | Hydroperoxide, 1-methyl-1-phenylethyl- (R) |
| U136 | Hydroxydimethylarsine oxide |
| U116 | 2-Imidazolidinethione |
| U137 | Indeno[1,2,3-cd]pyrene |
| U139 | Iron dextran |
| U140 | Isobutyl alcohol (I,T) |
| U141 | Isosafrole |

| | |
|---|---|
| U142 | Kepone |
| U143 | Lasiocarpene |
| U144 | Lead acetate |
| U145 | Lead phosphate |
| U146 | Lead subacetate |
| U129 | Lindane |
| U147 | Maleic anhydride |
| U148 | Maleic hydrazide |
| U149 | Malononitrile |
| U150 | Melphalan |
| U151 | Mercury |
| U152 | Methacrylonitrile (I,T) |
| U092 | Methanamine, N-methyl- (I) |
| U029 | Methane, bromo |
| U045 | Methane, chloro- (I,T) |
| U046 | Methane, chloromethoxy- |
| U068 | Methane, dibromo- |
| U080 | Methane, dichloro- |
| U075 | Methane, dichlorodifluoro- |
| U138 | Methane, iodo- |
| U119 | Methanesulfonic acid, ethyl ester |
| U211 | Methane, tetrachloro- |
| U121 | Methane, trichlorofluoro- |
| U153 | Methanethiol (I,T) |
| U225 | Methane, tribromo- |
| U044 | Methane, trichloro- |
| U121 | Methane, trichlorofluoro- |
| U123 | Methanoic acid (C,T) |
| U036 | 4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro- |
| U154 | Methanol (I) |
| U155 | Methapyrilene |
| U154 | Methyl alcohol (I) |
| U029 | Methyl bromide |
| U186 | 1-Methylbutadiene (I) |
| U045 | Methyl chloride (I,T) |
| U156 | Methyl chlorocarbonate (I,T) |
| U226 | Methylchloroform |
| U157 | 3-Methylcholanthrene |
| U158 | 4,4'-Methylenebis(2-chloroaniline) |
| U132 | 2,2'-Methylenebis(3,4,6-trichlorophenol) |
| U068 | Methylene bromide |
| U080 | Methylene chloride |
| U122 | Methylene oxide |
| U159 | Methyl ethyl ketone (I,T) |
| U160 | Methyl ethyl ketone peroxide (R,T) |
| U138 | Methyl iodide |
| U161 | Methyl isobutyl ketone (I) |
| U162 | Methyl methacrylate (I,T) |
| U163 | N-Methyl-N'-nitro-N-nitrosoguanidine |
| U161 | 4-Methyl-2-pentanone (I) |
| U164 | Methylthiouracil |
| U247 | Methoxychlor |
| U010 | Mitomycin C |
| U059 | 5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexapyranosyl)oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy- |
| U165 | Naphthalene |
| U047 | Naphthalene, 2-chloro- |
| U166 | 1,4-Naphthalenedione |
| U236 | 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)]-bis (azo)bis(5-amino-4-hydroxy)-, tetrasodium salt |
| U166 | 1,4-Naphthaquinone |
| U167 | 1-Naphthylamine |
| U168 | 2-Naphthylamine |
| U167 | alpha-Naphthylamine |
| U168 | beta-Naphthylamine |
| U026 | 2-Naphthylamine, N,N'-bis(2-chloromethyl)- |
| U169 | Nitrobenzene (I,T) |
| U170 | p-Nitrophenol |
| U171 | 2-Nitropropane (I) |
| U172 | N-Nitrosodi-n-butylamine |
| U173 | N-Nitrosodiethanolamine |
| U174 | N-Nitrosodiethylamine |
| U111 | N-Nitroso-N-propylamine |
| U176 | N-Nitroso-N-ethylurea |
| U177 | N-Nitroso-N-methylurea |
| U178 | N-Nitroso-N-methylurethane |
| U179 | N-Nitrosopiperidine |
| U180 | N-Nitrosopyrrolidine |
| U181 | 5-Nitro-o-toluidine |
| U193 | 1,2-Oxathiolane, 2,2-dioxide |
| U058 | 2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloro-ethyl)amino]tetrahydro-, oxide 2- |
| U115 | Oxirane (I,T) |
| U041 | Oxarane, 2-(chloromethyl)- |
| U182 | Paraldehyde |
| U183 | Pentachlorobenzene |
| U184 | Pentachloroethane |
| U185 | Pentachloronitrobenzene |
| U186 | 1,3-pentadiene (I) |
| U187 | Phenacetin |
| U188 | Phenol |
| U048 | Phenol, 2-chloro- |
| U039 | Phenol, 4-chloro-3-methyl- |
| U081 | Phenol, 2,4-dichloro- |
| U082 | Phenol, 2,6-dichloro- |
| U101 | Phenol, 2,4-dimethyl- |
| U170 | Phenol, 4-nitro- |
| U137 | 1,10-(1,2-phenylene)pyrene |
| U145 | Phosphoric acid, lead salt |
| U087 | Phosphorodithioic acid, O,O-diethyl-, S-methyl-ester |
| U189 | Phosphorous sulfide (R) |
| U190 | Phthalic anhydride |
| U191 | 2-Picoline |
| U192 | Pronamide |
| U194 | 1-Propanamine (I,T) |
| U110 | 1-Propanamine, N-propyl-(I) |
| U066 | Propane, 1,2-dibromo-3-chloro- |
| U149 | Propanedinitrile |
| U171 | Propane, 2-nitro- (I) |
| U027 | Propane, 2,2'-oxybis[2-chloro- |
| U193 | 1,3-Propane sultone |
| U235 | 1-Propanol, 2,3-dibromo-, phosphate (3:1) |
| U126 | 1-Propanol, 2,3-epoxy- |
| U140 | 1-Propanol, 2-methyl- (I,T) |
| U002 | 2-Propanone (I) |
| U007 | 2-Propenamide |
| U084 | Propene, 1,3-dichloro- |
| U243 | 1-Propene, 1,1,2,3,3,3-hexachloro- |
| U009 | 2-Propenenitrile |
| U152 | 2-Propenenitrile, 2-methyl- (I,T) |
| U008 | 2-Propenoic acid (I) |
| U113 | 2-Propenoic acid, ethyl ester (I) |
| U118 | 2-Propenoic acid, 2-methyl-, ethyl ester |
| U162 | 2-Propenoic acid, 2-methyl-, methyl ester (I,T) |
| U194 | n-Propylamine (I,T) |
| U083 | Propylene dichloride |
| U196 | Pyridine |
| U155 | Pyridine, 2-[(2-(dimethylamino)-2-thenylamino]- |
| U179 | Pyridine, hexahydro-N-nitroso- |
| U191 | Pryidine, 2-methyl- |
| U164 | 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo- |
| U180 | Pyrrole, tetrahydro-N-nitroso- |
| U200 | Reserpine |
| U201 | Resorcinol |
| U202 | Saccharin and salts |
| U203 | Safrole |
| U204 | Selenious acid |
| U204 | Selenium dioxide |
| U205 | Selenium disulfide (R,T) |
| U015 | L-Serine, diazoacetate (ester) |
| U089 | 4,4'-Stilbenediol, alpha, alpha'-diethyl- |
| U206 | Streptozotocin |
| U135 | Sulfur hydride |
| U103 | Sulfuric acid, dimethyl ester |
| U189 | Sulfur phosphide (R) |
| U205 | Sulfur selenide (R,T) |

| | |
|---|---|
| U207 | 1,2,4,5-Tetrachlorobenzene |
| U208 | 1,1,1,2-Tetrachloroethane |
| U209 | 1,1,2,2-Tetrachloroethane |
| U210 | Tetrachloroethylene |
| U213 | Tetrahydrofuran (I) |
| U214 | Thallium (I) acetate |
| U215 | Thallium (I) carbonate |
| U216 | Thallium (I) chloride |
| U217 | Thallium (I) nitrate |
| U218 | Thioacetamide |
| U153 | Thiomethanol (I,T) |
| U219 | Thiourea |
| U244 | Thiram |
| U220 | Toluene |
| U221 | Toluenediamine |
| U223 | Toluene diisocyanate (R,T) |
| U222 | o-Toluidine hydrochloride |
| U011 | 1H-1,2,4-Triazol-3-amine |
| U226 | 1,1,1-Trichloroethane |
| U227 | 1,1,2-Trichloroethane |
| U228 | Trichloroethene |
| U228 | Trichloroethylene |
| U121 | Trichloromonofluoromethane |
| U234 | sym-Trinitrobenzene (R,T) |
| U182 | 1,3,5-Trioxane, 2,4,5-trimethyl- |
| U235 | Tris(2,3-dibromopropyl) phosphate |
| U236 | Trypan blue |
| U237 | Uracil, 5[bis(2-chloromethyl)amino]- |
| U237 | Uracil mustard |
| U043 | Vinyl chloride |
| U239 | Xylene (I) |
| U200 | Yohimban-16-carboxylic acid, 11,17-di-methoxy-18-[(3,4,5-trimethoxy-benzoyl)oxy]-,methyl ester |

*(Source: Amended at 8 Ill. Reg. 24562, effective December 11, 1984)*

## APPENDICES

**Appendix A Representative Sampling Methods**
See Appendix I to 40 CFR 261

*(Source: Amended at 7 Ill. Reg. 13999, effective October 12, 1983)*

**Appendix B EP Toxicity Test Procedures**
See Appendix II to 40 CFR 261

*(Source: Amended at 7 Ill. Reg. 13999, effective October 12, 1983)*

**Appendix C Chemical Analysis Test Methods**

Tables A, B, and C specify the appropriate analytical procedures described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 720.111), which shall be used in determining whether the waste in question contains a given toxic constituent. Table A identifies the analytical class and the approved measurement techniques for each organic chemical listed in Appendix G. Table B identifies the corresponding methods for the inorganic species. Table C identifies the specific sample preparation and measurement instrument introduction techniques which may be suitable for both the organic and inorganic species as well as the matrices of concern.

Prior to final selection of the analytical methods the operator should consult the specific method descriptions in SW-846 for additional guidance on which of the approved methods should be employed for a specific waste analysis situation.

*(Source: Amended at 7 Ill. Reg. 13999, effective October 12, 1983)*

TABLE A. ANALYTICAL CHARACTERISTICS OF ORGANIC CHEMICALS

| Compound | Sample handling class/fraction | Non-GC methods | Measurement techniques | | |
|---|---|---|---|---|---|
| | | | GC/HS | Conventional | |
| | | | | GC | Detector |
| Acetonitrile | Volatile | | 8.24 | 8.03 | NSD |
| Acrolein | Volatile | | 8.24 | 8.03 | NSD |
| Acrylamide | Volatile | | 8.24 | 8.01 | FID |
| Acrylonitrile | Volatile | | 8.24 | 8.03 | NSD |
| Benzene | Volatile | | 8.24 | 8.02 | PID |
| Benz(a)anthracene | Extractable/BN | 8.10(HPLC) | 8.25 | 8.10 | FID |
| Benzo(a)pyrene | Extractable/BN | 8.10(HPLC) | 8.25 | 8.10 | FID |
| Benzotrichloride | Extractable/BN | | 8.25 | 8.12 | ECD |
| Benzyl chloride | Volatile or | | 8.24 | 8.01 | HSD |
| | Extractable/BN | | 8.25 | 8.12 | ECD |
| Benz(b)fluoranthene | Extractable/BN | 8.10(HPLC) | 8.25 | 8.10 | FID |
| Bis(2-chloroethoxymethane | Volatile | | 8.24 | 8.01 | HSD |
| Bis(2-chloroethyl)ether | Volatile | | 8.24 | 8.01 | HSD |
| Bis(2-chloroisopropyl) ether | Volatile | | 8.24 | 8.01 | HSD |
| Carbon disulfide | Volatile | | 8.24 | 8.01 | HSD |
| Carbon tetrachloride | Volatile | | 8.24 | 8.01 | HSD |
| Chlordane | Extractable/BN | | 8.25 | 8.08 | HSD |
| Chlorinated dibenzo dioxins | Extractable/BN | | 8.25 | 8.08 | ECD |

| Compound | Sample handling class/fraction | Non-GC methods | Measurement techniques GC/HS | Conventional GC | Conventional Detector |
|---|---|---|---|---|---|
| Chlorinated dibenzo-p-dioxins | Extractable/BN | | 8280 | | |
| Chlorinated biphenyls | Extractable/BN | | 8.25 | 8.08 | HSD |
| Chloroacetaldehyde | Volatile | | 8.24 | 8.01 | HSD |
| Chlorobenzene | Volatile | | 8.24 | 8.01 | HSD |
| | | | | 8.02 | PID |
| Chloroform | Volatile | | 8.24 | 8.01 | HSD |
| Chloromethane | Volatile | | 8.24 | 8.01 | HSD |
| 2-Chlorophenol | Extractable/BN | | 8.25 | 8.04 | FID, ECD |
| Chrysene | Extractable/BN | 8.10(HPLC) | 8.25 | 8.10 | FID |
| Creosote | Extractable/BN | | [1]8.25 | 8.10 | ECD |
| Cresol(s) | Extractable/A | | 8.25 | 8.04 | FID, ECD |
| Cresylic acid(s) | Extractable/A | | 8.25 | 8.04 | FID, ECD |
| Dichlorobenzene(s) | Extractable/BN | | 8.25 | 8.01 | HSD |
| | | | 8.02 | PID | |
| | | | 8.12 | ECD | |
| Dichloroethane(s) | Volatile | | 8.24 | 8.01 | HSD |
| Dichloromethane | Volatile | | 8.24 | 8.01 | HSD |
| Dichlorophenoxy-acetic acid | Extractable/A | | 8.25 | 8.40 | HSD |
| Dichloropropanol | Extractable/BN | | 8.25 | 8.12 | ECD |
| 2, 4-Dimethylphenol | Extractable/A | | 8.25 | 8.04 | FID, ECD |
| Dinitrobenzene | Extractable/BN | | 8.25 | 8.09 | FID, ECD |
| 4, 6-Dinitro-o-cresol | Extractable/A | | 8.25 | 8.04 | FID, ECD |
| 2, 4-Dinitrotoluene | Extractable/BN | | 8.25 | 8.09 | FID, ECD |
| Endrin | Extractable/P | | 8.25 | 8.08 | HSD |
| Ethyl ether | Volatile | | 8.24 | 8.01 | FID |
| | | | | 8.02 | FID |
| Formal dehyde | Volatile | | 8.24 | 8.01 | FID |
| Formic acid | Extractable/BN | | 8.25 | 8.06 | FID |
| Heptachlor | Extractable/P | | 8.25 | 8.06 | HSD |
| Hexachlorobenzene | Extractable/BN | | 8.25 | 8.12 | ECD |
| Hexachlorobutadiene | Extractable/BN | | 8.25 | 8.12 | ECD |
| Hexachloroethane | Extractable/BN | | 8.25 | 8.12 | ECD |
| Hexachlorocyclopentadiene | Extractable/BN | | 8.25 | 8.12 | ECD |
| Lindane | Extractable/P | | 8.25 | 8.08 | HSD |
| Maleic anhydride | Extractable/BN | | 8.25 | 8.06 | ECD, FID |
| Methanol | Volatile | | 8.24 | 8.01 | FID |
| Methomyl | Extractable/BN | 8.32(HPLC) | | | |
| Methyl ethyl ketone | Volatile | | 8.25 | 8.01 | FID |
| | | | | 8.02 | FID |
| Methyl isobutly ketone | Volatile | | 8.25 | 8.01 | FID |
| | | | | 8.02 | FID |
| Naphthalene | Extractable/BN | | 8.25 | 8.10 | FID |
| Napthoquinone | Extractable/BN | | 8.25 | 8.06 | ECD, FID |
| | | | | 8.09 | FID |
| Nitrobenzene | Extractable/BN | | 8.25 | 8.09 | ECD, FID |
| 4-Nitrophenol | Extractable/A | | 8.24 | 8.04 | ECD, FID |
| Paraldehyde (trimer of acetaldehyde). | Volatile | | 8.24 | 8.01 | FID |
| Pentachlorophenol | Extractable/A | | 8.25 | 8.04 | ECD |
| Phenol | Extractable/A | | 8.25 | 8.04 | ECD, FID |
| Phorate | Extractable/BN | | | 8.22 | FPD |
| Phosphorodithioic acid esters | Extractable/BN | | | 8.06 | ECD, FID |
| | | | | 8.09 | ECD, FID |
| | | | | 8.22 | FPD |
| Phthalic anhydride | Extractable/BN | | 8.25 | 8.06 | ECD, FID |
| | | | | 8.09 | ECD, FID |
| 2-Picoline | Extractable/BN | | 8.25 | 8.06 | ECD, FID |
| | | | | 8.09 | ECD, FID |
| Pyridine | Extractable/BN | | 8.25 | 8.06 | ECD, FID |
| | | | | 8.09 | ECD, FID |
| Tetrachlorobenzene(s) | Extractable/BN | | 8.25 | 8.12 | ECD |
| Tetrachloroethane(s) | Volatile | | 8.24 | 8.01 | HSD |
| Tetrachloroethane | Volatile | | 8.24 | 8.01 | HSD |
| Tetrachlorophenol | Extractable/A | | 8.24 | 8.04 | ECD |
| Toluene | Volatile | | 8.24 | 8.02 | PID |

[1]Analyze for phenanthrene and carbazole; if these are present in a ratio between 1.4:1 and 5:1, creosote should be considered present.

| Compound | Sample handling class/fraction | Non-GC methods | Measurement techniques GC/HS | Conventional GC | Detector |
|---|---|---|---|---|---|
| Toluenediamine | Extractable/BN | | 8.25 | | |
| Toluene diisocyanate(s) | Extractable/nonaqueous | | 8.25 | 8.06 | FID |
| Toxaphene | Extractable/P | | 8.25 | 8.08 | HSD |
| Trichloroethane | Volatile | | 8.24 | 8.01 | HSD |
| Trichloroethene(s) | Volatile | | 8.24 | 8.01 | HSD |
| Trichlorofluoromethane | Volatile | | 8.24 | 8.01 | HSD |
| Trichlorophenol(s) | Extractable/A | | 8.25 | 8.04 | HSD |
| 2,4,5-TP (Silvex) | Extractable/A | | 8.25 | 8.40 | HSD |
| Trichloropropane | Volatile | | 8.24 | 8.01 | HSD |
| Vinyl chloride | Volatile | | 8.24 | 8.01 | HSD |
| Vinylidene chloride | Volatile | | 8.24 | 8.01 | HSD |
| Xylene | Volatile | | 8.24 | 8.02 | PID |

ECD = Electron capture detector; FID = Flame ionization detector; FPD = Flame photometric detector; HSD = Halide specific detector; HPLC = High pressure liquid chromotography; NSD = Nitrogen-specific detector; PID = Photoionization detector.

*(Source: Added at 8 Ill. Reg. 24562, effective December 11, 1984)*

**TABLE B Analytical Characteristics of Inorganic Species**

| Species | Sample handling class | Measurement technique | Method number |
|---|---|---|---|
| Antimony | Digestion | Atomic absorbtion-furnace/flame | 8.50 |
| Arsenic | Hydride | Atomic absorbtion-flame | 8.51 |
| Barium | Digestion | Atomic absorbtion-furnace/flame | 8.52 |
| Cadmium | Digestion | Atomic absorbtion-furnace/flame | 8.53 |
| Chromuim | Digestion | Atomic absorbtion-furnace/flame | 8.54 |
| Cyanides | Hydrolysis | Atomic absorbtion-spectroscopy | 8.55 |
| Lead | Digestion | Atomic absorbtion-furnace/flame | 8.56 |
| Mercury | Cold Vapor | Atomic absorbtion | 8.57 |
| Nickel | Digestion | Atomic absorbtion-furnace/flame | 8.58 |
| Selenium | Hydride digestion | Atomic absorbtion-furnace/flame | 8.59 |
| Silver | Digestion | Atomic absorbtion-furnace/flame | 8.60 |

*(Source: Added at 8 Ill. Reg. 24562, effective December 11, 1984)*

**TABLE C Sample Preparation/Sample Introduction Techniques**

| Sampling handling class | Physical characteristics of waste[1] Fluid | Paste | Solid |
|---|---|---|---|
| Volatile | Purge and trap.<br>Direct injection. | Purge and trap.<br>Headspace. | Headspace. |
| Semivolatile and nonvolatile | Direct injection.<br>Shake out. | Shake out. | Shake out.<br>Soxhlet.<br>Sonication. |
| Inorganic | Direct injection.<br>Digestion.<br>Hydride. | Digestion.<br>Hydride. | Digestion.<br>Hydride. |

[1]For purposes of this Table, fluid refers to readily pourable liquids, which may or may not contain suspended particles. Paste-like materials, while fluid in the sense of flowability, can be thought of as being thixotropic or plastic in nature, e.g. paints. Solid materials are those wastes which can be handled without a container (i.e., can be piled up without appreciable sagging).

Procedure and Methods Number(s)

Digestion—See appropriate procedure for element of interest.
Direct injection—8.80.
Headspace—8.82.
Hydride—See appropriate procedure for element of interest.
Purge & Trap—8.83.
Shake out—8.84.
Sonication—8.85.
Soxhlet—8.86.

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

**Appendix G Basis for Listing Hazardous Wastes**

| EPA hazardous waste No. | Hazardous constitutents for which listed |
|---|---|
| F001 | Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons. |
| F002 | Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane. |
| F003 | N.A. |
| F004 | Cresols and cresylic acid, nitrobenzene. |
| F005 | Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine |
| F006 | Cadmium, hexavalent chromium, nickel, cyanide (complexed). |
| F007 | Cyanide (salts). |
| F008 | Cyanide (salts). |
| F009 | Cyanide (salts). |
| F010 | Cyanide (salts). |
| F011 | Cyanide (salts). |
| F012 | Cyanide (complexed). |
| F019 | Hexavalent chromium, cyanide (complexed). |
| F020 | Tetrachlorodibenzo-p-dioxins |
| F021 | Tetrachlorodibenzo-p-dioxins |
| F022 | Tetrachlorodibenzo-p-dioxins |
| F023 | Tetrachlorodibenzo-p-dioxins |
| F024 | Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene. |
| K001 | Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene. |
| K002 | Hexavalent chromium, lead. |
| K003 | Hexavalent chromium, lead. |
| K004 | Hexavalent chromuim. |
| K005 | Hexavalent chromium, lead. |
| K006 | Hexavalent chromium. |
| K007 | Cyanide (complexed), hexavalent chromium. |
| K008 | Hexavalent chromium. |
| K009 | Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid. |
| K010 | Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde. |
| K011 | Acrylonitrile, acetonitrile, hydrocyanic acid. |
| K013 | Hydrocyanic acid, acrylonitrile, acetonitrile. |
| K014 | Acetonitrile, acrylamide. |
| K015 | Benzyl chloride, chlorobenzene, toluene, benzotrichloride. |
| K016 | Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene. |
| K017 | Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols. |
| K018 | 1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene. |
| K019 | Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride. |
| K020 | Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloro-ethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride. |
| K021 | Antimony, carbon tetrachloride, chloroform. |
| K022 | Phenol, tars (polycyclic aromatic hydrocarbons). |
| K023 | Phthalic anhydride, maleic anhydride. |
| K024 | Phthalic anhydride, 1,4-naphthoguinone. |
| K025 | Meta-dinitrobenzene, 2,4-dinitrotoluene. |
| K026 | Paraldehyde, pyridines, 2-picoline. |
| K027 | Toluene diisocyanate, toluene-2, 4-diamine. |
| K028 | 1,1,1-trichloroethane, vinyl chloride. |
| K029 | 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform. |
| K030 | Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride. |
| K031 | Arsenic. |
| K032 | Hexachlorocyclopentadiene. |
| K033 | Hexachlorocyclopentadiene. |
| K034 | Hexachlorocyclopentadiene. |
| K035 | Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene. |
| K036 | Toluene, phosphorodithioic and phosphorothioic acid esters. |
| K037 | Toluene, phosphorodithioic and phosphorothioic acid esters. |
| K038 | Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters. |
| K039 | Phosphorodithioic and phosphorothioic acid esters. |
| K040 | Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters. |
| K041 | Toxaphene. |
| K042 | Hexachlorobenzene, ortho-dichlorobenzene. |
| K043 | 2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol. |
| K044 | N.A. |
| K045 | N.A. |
| K046 | Lead |
| K047 | N.A. |
| K048 | Hexavalent chromium, lead. |
| K049 | Hexavalent chromium, lead. |
| K050 | Hexavalent chromium. |
| K051 | Hexavalent chromium, lead. |
| K052 | Lead |
| K060 | Cyanide, naphthalene, phenolic compounds, arsenic. |

| | |
|---|---|
| K061 | Hexavalent chromium, lead, cadmium. |
| K062 | Hexavalent chromium, lead. |
| K069 | Hexavalent chromium, lead, cadmium. |
| K071 | Mercury. |
| K073 | Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane. |
| K083 | Aniline, diphenylamine, nitrobenzene, phenylenediamine. |
| K084 | Arsenic. |
| K085 | Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride. |
| K086 | Lead, hexavalent chromium. |
| K087 | Phenol, naphthalene. |
| K093 | Phthalic anhydride maleic anhydride. |
| K094 | Phthalic anhydride. |
| K095 | 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane. |
| K096 | 1,2-dichloroethane, 1,1,1,-trichloroethane, 1,1,2-trichloroethane. |
| K097 | Chlordane, heptachlor. |
| K098 | Toxaphene. |
| K099 | 2,4-dichlorophenol, 2,4,6-trichlorophenol. |
| K100 | Hexavalent chromium, lead, cadmium. |
| K101 | Arsenic. |
| K102 | Arsenic. |
| K103 | Aniline, nitrobenzene, phenylenediamine. |
| K104 | Aniline, benzene, diphenylamine, nitrobenzene, phynylenediamine. |
| K105 | Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol. |
| K106 | Mercury. |

N.A.—Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity, or reactivity.

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

**Appendix H Hazardous Constituents**

acetonitrile (ethanenitrile)
acetophenone (ethanone, 1-phenyl-)
3-(alpha-acetonylbenzyl)-4-hydroxycoumarin and salts (warfarin)
2-acetylaminofluorene (acetamide, N-(9H-fluoren-2-yl)-)
acetyl chloride (ethanoyl chloride)
1-acetyl-2-thiourea (acetamide, N-(aminothioxomethyl)-)
acrolein (2-propenal)
acrylamide (2-propenamide)
acrylonitrile (2-propenenitrile)
aflatoxins
aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-endo,exo-1,4:5,8-dimethanonaphthalene)
allyl alcohol (2-propen-1-ol)
aluminum phosphide
4-aminobiphenyl ([1,1'-biphenyl]-4-amine)
6-amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methylcarbamate azirino[2',3':3,4]pyrrolo[1,2a]indole-4,7-dione, (ester) (mitomycin C) (azirino[2',3':3,4]pyrrolo(1,2a)indole-4,7-dione, 6-amino-8-[((aminocarbonyl)oxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-)
5-(aminomethyl)-3-isoxazolol (3(2H)-isoxazolone, 5-(aminomethyl)-)
4-aminopyridine (4-pyridinamine)
amitrole (1H-1,2,4-triazol-3-amine)
aniline (benzenamine)
antimony and compounds, N.O.S. (not otherwise specified)
aramite (sulfurous acid, 2-chloroethyl-, 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)
arsenic and compounds, N.O.S.
arsenic acid (orthoarsenic acid)
arsenic pentoxide (arsenic (V) oxide)
arsenic trioxide (arsenic (III) oxide)
auramine (benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-, monohydrochloride]
azaserine (L-serine, diazoacetate (ester))
barium and compounds, N.O.S.
barium cyanide
benz[c]acridine (3,4-benzacridine)
benz[a]anthracene (1,2-benzanthracene)
benzene (cyclohexatriene)
benzenearsonic acid (arsonic acid, phenyl-)
benzene, dichloromethyl- (benzal chloride)
benzenethiol (thiophenol)
benzidine ([1,1'-biphenyl]-4,4'-diamine)
benzo(b)fluoranthene (2,3-benzofluoranthene)
benzo(j)fluoranthene (7,8-benzofluoranthene)
benzo(a)pyrene (3,4-benzopyrene)
p-benzoquinone (1,4-cyclohexadienedione)
benzotrichloride (benzene, trichloromethyl-)
benzyl chloride (benzene, (chloromethyl)-)
beryllium and compounds, N.O.S.
bis(2-chloroethoxy)methane (ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])
bis(2-chloroethyl) ether (ethane, 1,1'-oxybis[2-chloro-])
N,N-bis(2-chloroethyl)-2-napthylamine (chlornaphazine)
bis(2-chloroisopropyl) ether (propane, 2,2'-oxybis[2-chloro]-)
bis(chloromethyl) ether (methane, oxybis[chloro]-)
bis(2-ethylhexyl) phthalate (1,2-benzenedicarboxylic acid, bis(2-ethylhexyl) ester)
bromoacetone (2-propanone, 1-bromo-)
bromomethane (methyl bromide)
4-bromophenyl phenyl ether (benzene, 1-bromo-4-phenoxy-)
brucine (strychnidin-10-one, 2,3-dimethoxy-)
2-butanone peroxide (methyl ethyl ketone, peroxide)
butyl benzyl phthalate (1,2-benzenedicarboxylic acid, butyl phenylmethyl ester)
2-sec-butyl-4,6-dinitrophenol (DNBP) (phenol, 2,4-dinitro-6-(1-methylpropyl)-)
cadmium and compounds, N.O.S.
calcium chromate (chromic acid, calcium salt)
calcium cyanide
carbon disulfide (carbon bisulfide)
carbon oxyfluoride (carbonyl fluoride)
chloral (acetaldehyde, trichloro-)
chlorambucil (butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)
chlordane (alpha and gamma isomers) (4,7-methanoindan,1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)
chlorinated benzenes, N.O.S.
chlorinated ethane, N.O.S.
chlorinated fluorocarbons, N.O.S.
chlorinated naphthalene, N.O.S.
chlorinated phenol, N.O.S.
chloroacetaldehyde (acetaldehyde, chloro-)
chloroalkyl ethers, N.O.S.
p-chloroaniline (benzeneamine, 4-chloro-)
chlorobenzene (benzene, chloro-)
chlorobenzilate (benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester)
(2-chloro-1,3-butadiene (chloroprene)
p-chloro-m-cresol (phenol, 4-chloro-3-methyl-)
1-chloro-2,3-epoxypropane (oxirane, 2-(chloromethyl)-)
2-chloroethyl vinyl ether (ethene, (2-chloroethoxy)-)

chloroform (methane, trichloro-)
chloromethane (methyl chloride)
chloromethyl methyl ether (methane, chloromethoxy-)
2-chloronaphthalene (naphthalene, beta-chloro-)
2-chlorophenol (phenol, o-chloro-)
1-(o-chlorophenyl)thiourea (thiourea, (2-chlorophenyl)-)
3-chloropropene (allyl chloride)
3-chloropropionitrile (propanenitrile, 3-chloro-)
chromium and compounds, N.O.S.
chrysene (1,2-benzphenanthrene)
citrus red No. 2
(2-naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
coal tars
copper cyanide
creosote (creosote, wood)
cresols (cresylic acid) (phenol, methyl-)
crotonaldehyde (2-butenal)
cyanides (soluble salts and complexes), N.O.S.
cyanogen (ethanedinitrile)
cyanogen bromide (bromine cyanide)
cyanogen chloride (chlorine cyanide)
cycasin
(beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-)
2-cyclohexyl-4,6-dinitrophenol
(phenol, 2-cyclohexyl-4,6-dinitro-)
cyclophosphamide
(2H-1,3,2-oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
daunomycin
(5,12-naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
DDD (dichlorodiphenyldichloroethane)
(ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
DDE (ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
DDT (dichlorodiphenyltrichloroethane)
(ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
diallate
(S-(2,3-dichloroallyl)diisopropylthiocarbamate)
dibenz[a,h]acridine (1,2,5,6-dibenzacridine)
dibenz[a,j]acridine (1,2,7,8-dibenzacridine)
dibenz[a,h]anthracene (1,2,5,6-dibenzanthracene)
7H-dibenzo[c,g]carbazole (3,4,5,6-dibenzcarbazole)
dibenzo[a,e]pyrene (1,2,4,5-dibenzpyrene)
dibenzo[a,h]pyrene (1,2,5,6-dibenzpyrene)
dibenzo[a,i]pyrene (1,2,7,8-dibenzpyrene)
1,2-dibromo-3-chloropropane
(propane, 1,2-dibromo-3-chloro-)
1,2-dibromoethane (ethylene dibromide)
dibromomethane (methylene bromide)
di-n-butyl phthalate
(1,2-benzenedicarboxylic acid, dibutyl ester)
o-dichlorobenzene (benzene, 1,2-dichloro-)
m-dichlorobenzene (benzene, 1,3-dichloro-)
p-dichlorobenzene (benzene, 1,4-dichloro-)
dichlorobenzene, N.O.S. (benzene, dichloro-, N.O.S.)
3,3'-dichlorobenzidine
([1,1'-biphenyl]-4,4'-diamine, 3,3'-dichloro-)
1,4-dichloro-2-butene (2-butene, 1,4-dichloro-)
dichlorodifluoromethane (methane, dichlorodifluoro-)
1,1-dichloroethane (ethylidine dichloride)
1,2-dichloroethane (ethylene dichloride)
trans-1,2-dichlorethene (1,2-dichlorethylene)
dichloroethylene, N.O.S. (ethene, dichloro-, N.O.S.)
1,1-dichloroethylene (ethene, 1,1-dichloro-)
dichloromethane (methylene chloride)
2,4-dichlorophenol (phenol, 2,4-dichloro-)
2,6-dichlorophenol (phenol, 2,6-dichloro-)
2,4-dichlorophenoxyacetic acid (2,4-D), salts and esters
(acetic acid, 2,4-dichlorophenoxy-, salts and esters)
dichlorophenyl arsine (phenyl dichloroarsine)
dichloropropane, N.O.S. (propane, dichloro-,N.O.S.)
1,2-dichloropropane (propylene dichloride)
dichloropropanol, N.O.S. (propanol, dichloro-, N.O.S.)
dichloropropene, N.O.S. (propene, dichloro-, N.O.S.)
1,3-dichloropropene (1-propene, 1,3-dichloro-)
dieldrin
(1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene)
1,2:3,4-diepoxybutane (2,2'-bioxirane)
diethylarsine (arsine, diethyl-)
N,N'-diethylhydrazine (hydrazine, 1,2-diethyl-)
O,O-diethyl S-methyl ester of phosphorodithioic acid
(phosphorodithioic acid, O,O-diethyl S-methyl ester)
O,O-diethylphosphoric acid, O-p-nitrophenyl ester
(phosphoric acid, diethyl p-nitrophenyl ester)
diethyl phthalate
(1,2-benzenedicarboxylic acid, diethyl ester)
O,O-diethyl O-2-pyrazinyl phosphorothioate
(phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
diethylstilbestrol
(4,4'-stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
dihydrosafrole
(benzene, 1,2-methylenedioxy-4-propyl-)
3,4-dihydroxy-alpha-(methylamino)methyl benzyl alcohol
(1,2-benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
diisopropylfluorophosphate (DFP)
(phosphorofluoridic acid, bis(1-methylethyl) ester)
dimethoate
(phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
3,3'-dimethoxybenzidine
([1,1'-biphenyl]-4,4'-diamine, 3,3'-dimethoxy-)
p-dimethylaminoazobenzene
(benzenamine, N,N-dimethyl-4-(phenylazo)-)
7,12-dimethylbenz[a]anthracene
(1,2-benzanthracene, 7,12-dimethyl-)
3,3'-dimethylbenzidine
([1,1'-biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
dimethylcarbamoyl chloride
(carbamaoyl chloride, dimethyl-)
1,1-dimethylhydrazine (hydrazine, 1,1-dimethyl-)
1,2-dimethylhydrazine (hydrazine, 1,2-dimethyl-)
3,3-dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl]oxime
(thiofanox)
alpha,alpha-dimethylphenethylamine
(ethanamine, 1,1-dimethyl-2-phenyl-)
2,4-dimethylphenol (phenol, 2,4-dimethyl-)
dimethyl phthalate
(1,2-benzenedicarboxylic acid, dimethyl ester)
dimethylsulfate
(sulfuric acid, dimethyl ester)
dinitrobenzene, N.O.S. (benzene, dinitro-, N.O.S.)
4,6-dinitro-o-cresol and salts
(phenol, 2,4-dinitro-6-methyl-, and salts)
2,4-dinitrophenol (phenol, 2,4-dinitro-)
2,4-dinitrotoluene (benzene, 1-methyl-2,4-dinitro-)
2,6-dinitrotoluene (benzene, 1-methyl-2,6-dinitro-)
di-n-octyl phthalate
(1,2-benzenedicarboxylic acid, dioctyl ester)
1,4-dioxane (1,4-diethylene oxide)
diphenylamine (benzenamine, N-phenyl-)
1,2-diphenylhydrazine (hydrazine, 1,2-diphenyl-)
di-n-propylnitrosamine (N-nitroso-di-n-propylamine)
disulfoton
(O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate
2,4-dithiobiuret (thioimidodicarbonic diamide)
endosulfan
(5-norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
endrin and metabolites
(1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
ethyl carbamate
(urethan) (carbamic acid, ethyl ester)
ethyl cyanide (propanenitrile)
ethylenebisdithiocarbamic acid, salts and esters
(1,2-ethanediylbiscarbamodithioic acid, salts and esters)

ethyleneimine (aziridine)
ethylene oxide (oxirane)
ethylenethiourea (2-imidazolidinethione)
ethyl methacrylate (2-propenoic acid, 2-methyl-, ethyl ester)
ethyl methanesulfonate (methanesulfonic acid, ethyl ester)
fluoranthene (benzo[j,k]fluorene)
fluorine
2-fluoroacetamide (acetamide, 2-fluoro-)
fluoroacetic acid, sodium salt
(acetic acid, fluoro-, sodium salt)
formaldehyde (methylene oxide)
formic acid (methanoic acid)
glycidylaldehyde (1-propanal, 2,3-epoxy-)
halomethane, N.O.S.
heptachlor
(4,7-methano-1H-idene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
heptachlor epoxide (alpha, beta and gamma isomers)
(4,7-methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
hexachlorobenzene (benzene, hexachloro-)
hexachlorobutadiene (1,3-butadiene, hexachloro-)
hexachlorocyclohexane (all isomers)
(lindane and isomers)
hexachlorocyclopentadiene
(cyclopentadiene, hexachloro-)
hexachloroethane (ethane, hexachloro-)
1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene
(hexachlorohexahydro-endo,endo-dimethanonaphthalene)
hexachlorophene
(2,2'-methylenebis(3,4,6-trichlorophenol))
hexachloropropene (propene, hexachloro-)
hexaethyl tetraphosphate
(tetraphosphoric acid, hexaethyl ester)
hydrazine (diamine)
hydrocyanic acid (hydrogen cyanide)
hydrofluoric acid (hydrogen fluoride)
hydrogen sulfide
hydroxydimethylarsine oxide (cacodylic acid)
indeno(1,2,3-cd) pyrene
1,10-(1,2-phenylene)pyrene)
iodomethane (methyl iodide)
iron dextran (ferric dextran)
isocyanic acid, methyl ester (methyl isocyanate)
isobutyl alcohol (1-propanol, 2-methyl-)
isosafrole (benzene, 1,2-methylenedioxy-4-allyl-)
kepone
(decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[cd]pentalen-2-one)
lasiocarpine
(2-butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
lead and compounds, N.O.S.
lead acetate (acetic acid, lead salt)
lead phosphate (phosphoric acid, lead salt)
lead subacetate (lead, bis(acetato-O)tetrahydroxytri-)
maleic anhydride (2,5-furandione)
maleic hydrazide (1,2-dihydro-3,6-pyridazinedione)
malononitrile (propanedinitrile)
melphalan
alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-)
mercury fulminate (fulminic acid, mercury salt)
mercury and compounds, N.O.S.
methacrylonitrile (2-propenenitrile, 2-methyl-)
methanethiol (thiomethanol)
methapyrilene
(pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
metholmyl
(acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester)
methoxychlor
(ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
2-methylaziridine (1,2-propylenimine)
3-methylcholanthrene
(benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
methylchlorocarbonate
(carbanochloridic acid, methyl ester)
4,4'-methylenebis(2-chloroaniline)
4,4'-methylenebis(2-chlorobenzenamine))
methyl ethyl ketone (MEK) (2-butanone)
methyl hydrazine (hydrazine, methyl-)
2-methyllactonitrile (propanenitrile, 2-hydroxy-2-methyl-)
methyl methacrylate (2-propenoic acid, 2-methyl-, methyl ester)
methyl methanesulfonate (methanesulfonic acid, methyl ester)
2-methyl-2-(methylthio(propionaldehyde-O-(methylcarbonyl) oxime
(propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime)
N-methyl-N'-nitro-N-nitrosoguanidine
(guanidine, N-nitroso-N-methyl-N'-nitro-)
methyl parathion
(O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
methylthiouracil
(4-1H-pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
mustard gas (sulfide, bis(2-chloroethyl)-)
naphthalene
1,4-naphthoquinone (1,4-naphthalenedione)
1-naphthylamine (alpha-naphthylamine)
2-naphthylamine (beta-naphthylamine)
1-naphthyl-2-thiourea (thiourea, 1-naphthalenyl-)
nickel and compounds, N.O.S.
nickel carbonyl (nickel tetracarbonyl)
nickel cyanide (nickel (II) cyanide)
nicotine and salts
(pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
nitric oxide (nitrogen (II) oxide)
p-nitroaniline (benzenamine, 4-nitro-)
nitrobenzene (benzene, nitro-)
nitrogen dioxide (nitrogen (IV) oxide)
nitrogen mustard and hydrochloride salt
(ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
nitrogen mustard N-oxide and hydrochloride salt
(ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, N-oxide, and hydrochloride salt)
nitroglycerin (1,2,3-propanetriol, trinitrate)
4-nitrophenol (phenol, 4-nitro-)
4-nitroquinoline-1-oxide (quinoline, 4-nitro-1-oxide-)
nitrosamine, N.O.S.
N-nitrosodi-n-butylamine (1-butanamine, N-butyl-N-nitroso-)
N-nitrosodiethanolamine (ethanol, 2,2'-(nitrosoimino)bis-)
N-nitrosodiethylamine (ethanamine, N-ethyl-N-nitroso-)
N-nitrosodimethylamine (dimethylnitrosamine)
N-nitroso-N-ethylurea (carbamide, N-ethyl-N-nitroso-)
N-nitrosomethylethylamine (ethanamine, N-methyl-N-nitroso-)
N-nitroso-N-methylurea (carbamide, N-methyl-N-nitroso-)
N-nitroso-N-methylurethane
(carbamic acid, methylnitroso-, ethyl ester)
N-nitrosomethylvinylamine
(ethenamine, N-methyl-N-nitroso-)
N-nitrosomorpholine (morpholine, N-nitroso-)
N-nitrosonornicotine (nornicotine, N-nitroso-)
N-nitrosopiperidine (pyridine, hexahydro-, N-nitroso-)
N-nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
N-nitrososarcosine (sarcosine, N-nitroso-)
5-nitro-o-toluidine (benzenamine, 2-methyl-5-nitro-)
octamethylpyrophosphoramide (diphosphoramide, octamethyl-)
osmium tetroxide (osmium (VIII) oxide)
7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
(endothal)
paraldehyde
(1,3,5-trioxane, 2,4,6-trimethyl-)
parathion
(phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)
pentachlorobenzene (benzene, pentachloro-)
pentachloroethane (ethane, pentachloro-)
pentachloronitrobenzene (PCNB)
(benzene, pentachloronitro-)

pentachlorophenol (phenol, pentachloro-)
phenacetin (acetamide, N-(4-ethoxyphenyl)-)
phenol (benzene, hydroxy-)
phenylenediamine (benzenediamine)
phenylmercury acetate (mercury, acetatophenyl-)
N-phenylthiourea (thiourea, phenyl-)
phosgene (carbonyl chloride)
phosphine (hydrogen phosphide)
phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
(phorate)
phosphorothioic acid, O,O-dimethyl
O-[p-((dimethylamino)sulfonyl)phenyl] ester
(famphur)
phthalic acid esters, N.O.S.
(benzene, 1,2-dicarboxylic acid, esters, N.O.S.)
phthalic anhydride
(1,2-benzenedicarboxylic acid anhydride)
2-picoline (pyridine, 2-methyl-)
polychlorinated biphenyl, N.O.S.
potassium cyanide
potassium silver cyanide
(argentate(1-), dicyano-, potassium)
pronamide
(3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
1,3-propane sultone
(1,2-oxathiolane, 2,2-dioxide)
n-propylamine (1-propanamine)
propylthiouracil
(2,3-dihydro-6-propyl-2-thioxo-4(1H)-pyrimidinone)
2-propyn-1-ol (propargyl alcohol)
pyridine
reserpine
(yohimban-16-carboxylic acid, 11,17-dimethoxy-
18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
resorcinol (1,3-benzenediol)
saccharin and salts
(1,2-benzoisothiazolin-3-one, 1,1-dioxide, and salts)
safrole (benzene, 1,2-methylenedioxy-4-allyl-)
selenious acid (selenium dioxide)
selenium and compounds, N.O.S.
selenium sulfide (sulfur selenide)
selenourea (carbamimidoselenoic acid)
silver and compounds, N.O.S.
silver cyanide
sodium cyanide
streptozotocin
(D-glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
strontium sulfide
strychnine and salts (strychnidin-10-one, and salts)
1,2,4,5-tetrachlorobenzene (benzene, 1,2,4,5-tetrachloro-)
Tetrachlorodibenzo-p-dioxins

2,3,7,8-tetrachlorodibenzo-p-dioxin
(TCDD)
(dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
tetrachloroethane, N.O.S.
(ethane, tetrachloro-, N.O.S.)
1,1,1,2-tetrachloroethane (ethane, 1,1,1,2-tetrachloro-)
1,1,2,2-tetrachloroethane (ethane, 1,1,2,2-tetrachloro-)
tetrachloroethene (perchloroethylene)
tetrachloromethane (carbon tetrachloride)
2,3,4,6-tetrachlorophenol (phenol, 2,3,4,6-tetrachloro-)
tetraethyldithiopyrophosphate
(dithiopyrophosphoric acid, tetraethyl ester)
tetraethyl lead (plumbane, tetraethyl-)
tetraethylpyrophosphate (pyrophosphoric acid, tetraethyl ester)
tetranitromethane (methane, tetranitro-)
thallium and compounds, N.O.S.
thallic oxide (thallium (III) oxide)
thallium (I) acetate (acetic acid, thallium (I) salt)
thallium (I) carbonate (carbonic acid, dithallium (I) salt)
thallium (I) chloride
thallium (I) nitrate (nitric acid, thallium (I) salt)
thallium selenite
thallium (I) sulfate (sulfuric acid, thallium (I) salt)
thioacetamide (ethanethioamide)
thiosemicarbazide (hydrazinecarbothioamide)
thiourea (carbamide, thio-)
thiuram (bis(dimethylthiocarbamoyl) disulfide)
toluene (benzene, methyl-)
toluenediamine (diaminotoluene)
(toluene diisocyanate (benzene, 1,3-diisocyanatomethyl-)
o-toluidine hydrochloride
(benzeneamine, 2-methyl-, hydrochloride)
toxaphene (camphene, octachloro-)
tribromomethane (bromoform)
1,2,4-trichlorobenzene (benzene, 1,2,4-trichloro-)
1,1,1-trichloroethane (methyl chloroform)
1,1,2-trichloroethane (ethane, 1,1,2-trichloro-)
trichloroethene (trichloroethylene)
trichloromethanethiol (methanethiol, trichloro-)
trichloromonofluoromethane (methane, trichlorofluoro-)
2,4,5-trichlorophenol (phenol, 2,4,5-trichloro-)
2,4,6-trichlorophenol (phenol, 2,4,6-trichloro-)
2,4,5-trichlorophenoxyacetic acid (2,4,5-T)
(acetic acid, 2,4,5-trichlorophenoxy-)
2,4,5-trichlorophenoxypropionic acid (2,4,5-TP) (silvex)
(propionic acid, 2-(2,4,5-trichlorophenoxy)-)
trichloropropane, N.O.S.
(propane, trichloro-, N.O.S.)
1,2,3-trichloropropane
(propane, 1,2,3-trichloro-)
O,O,O-triethyl phosphorothioate
(phosphorothioic acid, O,O,O-triethyl ester)
sym-trinitrobenzene
(benzene, 1,3,5-trinitro-)
tris(1-aziridinyl) phosphine sulfide
(phosphine sulfide, tris(1-aziridinyl)-)
tris(2,3-dibromopropyl) phosphate
(1-propanol, 2,3-dibromo-, phosphate)
trypan blue
(2,7-naphthalenedisulfonic acid, 3,3'-[(3,3'-
dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-
amino-4-hydroxy-, tetrasodium salt)
undecamethylenediamine, N,N'-bis(2-chlorobenzylamine),
dihydrochloride
(N,N'-undecamethylenebis)2-chlorobenzylamine),
dihydrochloride)
uracil mustard
(uracil, 5-[bis(2-chloroethyl)amino]-)
vanadic acid, ammonium salt (ammonium vanadate)
vanadium pentoxide (vanadium (V) oxide)
vinyl chloride (ethene, chloro-)
zinc cyanide
zinc phosphide

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

## Appendix I Methods of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans[1,2,3,4]

Method 8280

1. Scope and Application

1.1 This method covers the determination of chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans in chemical wastes including still bottoms, filter aids, sludges, spent carbon, and reactor residues, and in soils.

1.2 The sensitivity of this method is dependent upon the level of interferences.

1.3 This method is recommended for use only by analysts experienced with residue analysis and skilled in mass spectral analytical techniques.

1.4 Because of the extreme toxicity of these compounds the analyst must take necessary precautions to prevent exposure to himself, or to others, of materials know or believed to contain CDDs or CDFs.

2. Summary of the Method

2.1 This method is an analytical extraction cleanup procedure, and capillary column gas chromatography-low resolution mass spectrometry method, using capillary column GC/MS conditions and internal standard techniques, which allow for the measurement of PCDDs and PCDFs in the extract.

2.2 If interferences are encountered, the method provides selected general purpose cleanup procedures to aid the analyst in their elimination.

3. Interferences

3.1 Solvent, reagents, glassware, and other sample processing hardware may yield discrete artifacts and/or elevated baselines causing misinterpretation of gas chromatograms. All of these materials must be demonstrated to be free from interferences under the conditions of the analysis by running method blanks. Specific selection of reagents and purification of solvents by distillation in all-glass systems may be required.

3.2 Interferences co-extracted from the samples will vary considerably from source to source, depending upon the diversity of the industry being sampled. PCDD is often associated with other interfering chlorinted compounds such as PCB's which may be at concentrations several orders of magnitude higher than that of PCDD. While general cleanup techniques are provided as part of this method, unique samples may require additonal cleanup approaches to achieve the sensitivity stated in Table 1.

3.3 The other isomers of tetrachlorodibenzo-p-dioxin may interfere with the measurement of 2, 3, 7, 8-TCDD. Capillary column gas chromatograph is required to resolve those isomers that yield virtually identical mass fragmentation patterns.

4. Apparatus and Materials

4.1 Sampling equipment for discrete or composite sampling.

4.1.1 Grab sample bottle—amber glass, 1-liter or 1-quart volume. French or Boston Round design is recommended. The container must be washed and solvent rinsed before use to minimize interferences.

4.1.2 Bottle caps—threaded to screw on to the sample bottles. Caps must be lined with Teflon. Solvent washed foil, used with the shiny side towards the sample, may be substituted for the Teflon if sample is not corrosive.

4.1.3 Compositing equipment—automatic or manual compositing system. No tygon or rubber tubing may be used, and the system must incorporate glass sample containers for the collection of a minimum of 250 ml. Sample containers must be kept refrigerated after sampling.

4.2 Water bath—heated, with concentric ring cover, capable of temperature control ( 2° C). The bath should be used in a hood.

4.3 Gas chromatograph/mass spectrometer data system.

4.3.1 Gas chromatograph: An analytical system with a temperature-programmable gas chromatograph and all required accessories including syringes, analytical columns, and gases.

4.3.2 Column: SP-2250 coated on a 30 m long x 0.25 mm I.D. glass columen (Supelco No. 2-3714 or equivalent). Glass capillary column conditions: Helium carrier gas at 30 cm/sec linear velocity run splitless. Column temperature is 210° C.

4.3.3 Mass spectrometer: Capable of scanning from 35 to 450 amu every 1 sec or less, utilizing 70 volts (nominal) electron energy in the electron impact ionization mode and producing a mass spectrum which meets allthe criteria in Table B when 50 ng of decafluorotriphenyl-phosphine (DFTPP) is injected through the GC inlet. The system must also be capable of ion monitoring (SIM) for at least 4 ions simultaneously, with a cycle time of 1 sec or less. Minimum integration time for SIM is 100 ms. Selected ion monitoring is verified by injecting .015 ng of TCDD $Cl^{37}$ to give a minimum signal to noise ratio of 5 to 1 at mass 320.

4.3.4 GC/MS interface: Any GC-to-MS interfact that gives acceptable calibration points at 50 ng per injection for each compound of interest and achieves acceptable tuning performance criteria (see Sections 6.1-6.3) may be used. GC-to-MS interfaces constructed of all glass or glass-lined materials are recommended. Glass can be

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[1]This method is appropriate for the analysis of tetra-penta-, and hexachlorinated dibenzo-p-dioxins and -dibenzofurans.

[2]Analytical protocol for determination of TCDDs in phenolic chemical wastes and soil samples obtained from the proximity of chemical dumps. T. O. Tiernan and M. Taylor, Brehm Laboratory, Wright State University, Dayton, OH 45435.

[3]Analytical protocol for determination of chlorinated dibenzo-p-dioxins and chlorinated debenzofurans in river water. T. O. Tiernan and M. Taylor, Brehm Laboratory, Wright State University, Dayton, OH 45435.

[4]In general, the techniques that should be used to handle these mterials are those which are followed for radioactive or infectious laboratory materials. Assistance in evaluating laboratory practices may be obtained from industrial hygienists and persons specializing in safe laboratory practice. Typical infectious waste incinerators are probably not satisfactory devices for disposal of materials highly contaminaed with CDDs or CDFs. A laboratory planning to use these compounds should prepare a disposal plan to be reviewed and approved by EPA's Dioxin Task Force (Contact Conrad Kleveno, WH-548A, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460).

deactivated by silanizing with dichlorodimethylsilane. The interface must be capable of transporting at least 10 ng of the components of interest from the GC to the MS.

4.3.5 Data system: A computer system must be interfaced to the mass spectrometer. The system must allow the continuous acquisition and storage on machine-readable media of all mass spectra obtained throughout the duration of the chromatographic program. The computer must have software that can search any GC/MS data file for irons of a specific mass and that can plot such ion abundances versus time or scan number. This type of plot is defined as an Extracted Ion Current Profile (EICP). Software must also be able to integrate the abundance, in any EICP, between specified time or scan number limits.

4.4 Pipettes-Disposable, Pasteur, 150 mm long x 5 mm ID (Fisher Scientific Co., No. 13-678-6A or equivalent).

4.5 Flint glass bottle (Teflon-lined screw cap).

4.6 Reacti-vital (silanized) (Pierce Chemical Co.).

5. Reagents

5.1 Potassium hydroxide-(ACS), 2 percent in distilled water.

5.2 Sulfuric acid-(ACS), concentrated.

5.3 Methylene chloride, hexane, benzene, petroleum ether, methanol, tetradecane-pesticide quality or equivalent.

5.4 Stock standards in a glovebox, prepare stock standard solutions of TCDD and $^{37}$Cl-TCDD (molecurlar weight 328). The stock solutions are stored in a glovebox, and checked frequently for signs of degradation or evaporation, especially just prior to the preparation of working standards.

5.5 Alumina-basic, Woelm; 80/200 mesh. Before use activate overnight at 600°C, cool to room temperature in a dessicator.

5.6 Prepurified nitrogen gas.

6.0 Calibration

6.1 Before using any cleanup procedure, the analyst must process a series of calibration standards through the procedure to validate elution patterns and the absence of interferences from reagents.

6.2 Prepare GC/MS calibration standards for the internal standard technique that will allow for measurement of relative response factors of at least three TCDD/$^{37}$Cl-TCDD and TCDF/$^{37}$Cl-TCDF ratios.[5] The $^{37}$Cl-TCDD/F concentration in the standard should be fixed and selected to yield a reproducible response at the most sensitive setting of the mass spectrometer.

6.3 Assemble the necessary GC/MS apparatus and establish operating parameters equivalent to those indicated in Section 11.1 of this method. Calibrate the GC/MS system according to Eichelberger, et al. (1975) by the use of decafluorotriphenyl phosphine (DFTPP). By injecting calibration standards, establish the response factors for CDDs vs. $^{37}$Cl-TCDF. The detection limit provided in Table A should be verified by injecting .015 ng of $^{37}$Cl-TCDD which should give a minimum signal to noise ratio of 5 to 1 at mass 320.

7. Quality Control

7.1 Before processing any samples, the analyst should demonstrate through the analysis of a distilled water method blank, that all glassware and reagents are interference-free. Each time a set of samples is extracted or there is a change in reagents, a method blank should be processed as a safeguard against laboratory contamination.

7.2 Standard quality assurance practices must be used with this method. Field replicates must be collected to validate the precision of the sampling technique. Laboratory replicates must be analyzed to validate the precision of the analysis. Fortified samples must be analyzed to establish the accuracy of the analysis.

8. Sample Collection, Preservation, and Handling

8.1 Grab and composite samples must be collected in glass containers. Conventional sampling practices should be followed, except that the bottle must not be prewashed with sample before collection. Composite samples should be collected in glass containers in accordance with the requirements of the RCRA program. Sampling equipment must be free of tygon and other potential sources of contamination.

8.2 The samples must be iced or refrigated from the time of collection until extraction. Chemical preservatives shold not be used in the field unless more than 24 hours will elapse before delivery to the laboratory. If an aqueous sample is taken and the sample will not be extracted within 49 hours of collection, the sample should be adjusted to a pH range of 6.0-8.0 with sodium hydroxide or sulfuric acid.

8.3 All samples must be extracted within 7 days and completely analyzed within 30 days of collection.

9. Extraction and Cleanup Procedures

9.1 use an aliquot of 1-10 g sample of the chemical waste or soil to be analyzed. Soils should be dried using a stream of prepurified nitrogen and pulverized in a ball-mill or similar device. Transfer the sample to a tared 125 ml Flint glass bottle (Teflon-line screw cap) and determine the weight of the sample. Add an appropriate quantity of $^{37}$Cl-labelled 2, 3, 7, 8-TCDD (adjust the quantity according to the required minimum detectable concentration), which is employed as an internal standard.

9.2 Extraction

9.2.1 Extract chemical waste samples by adding 10 ml methanol, 40 ml petroleum ether, 50 ml doubly distilled water, and then shaking the mixture for 2 minutes. Tars should be completely dissolved in any of the recommended neat solvents. Activated carbon samples must be extracted with benzene using method 3540 in SW-846 (Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, available from G.P.O. Stock #055-002-81001-2). Quantitatively transfer the organic extract or dissolved sample to a clean 250 ml flint glass bottle (Teflon lined screw cap), add 50 ml doubly distilled water and shake for 2 minutes. Discard the aqueous layer and proceed with Step 9.3.

5 $^{37}$Cl-labelled TCDD and TCDF are available from K.O.R. Isotopes, Cambridge, MA. Proper standardization requires the use of a specific labelled isomer for each congener to be determined. However, the only labelled isomers readily available are $^{37}$Cl-2, 3, 7, 8-TCDD and $^{37}$Cl-2, 3, 7, 8-TCDF. This method therefore uses these isomers as surrogates for the CDDsand CDFs. When labelled CDDs and CDFs are available, their use will be required.

9.2.2 Extract soil samples by adding 40 ml or petroleum ether to the samples, and then shaking for 20 minutes. Quantitatively transfer the organic extract to a clean 250 ml flint glass bottle (Teflon-lined screw cap), add 50 ml doubly distilled water and shake for 2 minutes. Discard the aqueous layer and proceed with Step 9.3

9.3 Wash the organic layer with 50 ml of 20% aqueous potassium hydroxide by shaking for 10 minutes and then remove and discard the aqueous layer.

9.4 Wash the organic layer with 50 ml of doubly distilled water by shaking for 2 minutes and discard the aqueous layer.

9.5 Cautiously add 50 ml concentrated sulfuric acid and shake for 10 minutes. Allow the mixture to stand until layers separate (approximately 10 minutes), and remove and discard the acid layer. Repeat acid washing until no color is visible in the acid layer.

9.6 Add 50 ml of doubly distilled water to the organic extract and shake for 2 minutes. Remove and discard the aqueous layer and dry the organic layer by adding 10g of anhydrous sodium sulfate.

9.7 Concentrate the extract to incipient dryness by heating in a 50° C water bath and simultaneously flowing a stream of prepurified nitrogen over the extract. Quantitatively transfer the reside to an alumina microcolumn fabricated as follows:

9.7.1 Cut off the top section of a 10 ml disposable Pyrex pipette at the 4.0 ml mark and insert a plug of silanized glass wood into the tip of the lower portion of the pipette.

9.7.2 Add 2.8g of Woelm basic alumina (previously activated at 600° C overnight and then cooled to room temperature in a desiccator just prior to use).

9.8 Elute the microcolumn with 10 ml of 3%methylene chloride-in-hexane followed by 15 ml of 20% methylene chloride-in-hexane and discard these effluents. Elute the column with 15 ml of 50% methylene chloride-in-hexane and concentrate this effluent (55° C water bath, stream of prepurified nitogren) to about 0.3-0.5 ml.

9.9 Quantitatively transfer the residue (using methylene chloride to rinse the container) to a silanized Reacti-Vial (Pierce Chemical Co.). Evaporate, using a stream of prepurified nitrogen, almost to dryness, rinse the walls of the vessel with approximately 0.5 ml methylene chloride, evaporate just to dryness,and tighly cap the vial. Store the vial at 5°C until analysis, at which time the sample is reconstituted by the addition of tridecane.

9.10 Approximately 1 hour before GC-MS (HRGC-LRMS) analysis, dilute the residue in the micro-reaction vessel with an appropriate quantity of tridecane. Gently swirl the tridecane on the lower portion of the vessel to ensure dissolution of the CDDs and CDFs. Analyze a sample by GC/EC to provide insight into the complexity of the problem, and to determine the manner in which the mass spectrometer should be used. Inject an appropriate aliquot of the sample into the GC-MS instrument, using a syringe.

9.11 If, upon preliminary GC-MS analysis, the sample appears to contain interfering substances which obscure the analyses for CDDs and CDFs, high performance liquid chromatographic (HPLC) cleanup of the extract is accomplished, prior to further GC-MS analysis.

10. HPLC Cleanup Procedure

10.1 Place approximately 2 ml of hexane in a 50 ml flint glass sample bottle fitted with a Teflon-lined cap.

10.2 At the appropriate retention time, position sample bottle to collect the required fraction.

10.3 Add 2 ml of 5% (w/v) sodium carbonate to the sample fractin collected and shake for one minute.

10.4 Quantitatively remove the hexane layer (top layer) and transfer to a micro-reaction vessel.

10.5 Concentrate the fraction to dryness and retain for further analysis.

11. GC/MS Analysis

11.1 The following column conditions are recommended: Glass capillary column conditions: SP-2250 coated on a 30 cm long x 0.25 mm I.D.glass column (Supelco No. 2-3714, or equivalent) with helium carrier gas at 30 cm/sec linear velocity, run splitless. Colur temperature is 210°C. Under these conditions t retention time for TCDDs is about 9.5 minutes. Calibrate the system daily with, a minimum, three injections of standard mixtures.

11.2 Calculate response factors for standards relative to $^{37}$ Cl-TCDD/F (see Section 12).

11.3 Analyze samples with selected ion monitoring of at least two ions from Table C. Proof of the presence of CDD or CDF exists if the following conditions are met:

11.3.1 The retention time of the peak in the sample must match that in the standard, within the performance specifications of the analytical system.

11.3.2 The ratio of ions must agree within 10% with that of the standard.

11.3.3 The retention time of the peak maximum for the ions of interest must exactly match that of the peak.

11.4 Quantitate the CDD and CDF peaks from response relative to the $^{37}$ Cl-TCDD/F internal standards. Recovery of the internal standard should be greater than 50 percent.

11.5 If a response is obtained for the appropriate set of ions, but is outside the expected ratio, a co-eluting impurity may be suspected. In this case, another set of ions characteristic of the CDD/CDF molecules should be analyzed. For TCDD a good choice of ions is m/e 257 and m/e 259. For TCDF a good choice of ions is m/e 241 and 243. These ions are useful in characterizing the molecular structure of TCDD or TCDF. For analysis of TCDD good analytical technique would require using all four ions, m/e 257, 320, 322, 328, to verify detection and signal to noise ratio of 5 to 1. Suspected impurities such as DDE, DDD, or PCB residues can be confirmed by checking for their major fragments. These materials can be removed by the clean-up columns. Failure to meet criteria should be explained in the report or the sample reanalyzed.

11.6 If broad background interference restricts the sensitivity of the GC/MS analysis, the analyst should employ clean-up procedures and reanalyze by GC/MS.

11.7 In those circumstances where these procedures do not yield definitive conclusion, the use of high resolution mass spectrometry is suggested.

12. Calculations

12.1 Determine the concentration of individual compounds according to the formula:

$$\text{Concentration, ug/gm} = \frac{A \times A_s}{G \times A_{is} \times R_f}$$

Where:
A = ug of internal standard added to the sample.[6]
G = gm of sample extracted.
$A_s$ = area of characteristic ion of the compound being quantified.
$A_{is}$ = area of characteristic ion of the internal standard.
$R_f$ = response factor.
Response factors are calculated using data obtained from the analysis of standards according to the formula:

$$R_f = \frac{A_s \times C_{is}}{A_{is} \times C_s}$$

Where:
$C_{is}$ = Concentration of the internal standard.
$C_s$ = concentration of the standard compound.

12.2 Report results in micrograms per gram without correction for recovery data. When duplicate and spiked samples are analyzed, all data obtained should be reported.

12.3 Accuracy and Precision. No data are available at this time.

*(Source: Amended at 9 Ill. Reg. 11834, effective July 24, 1985)*

[6]The proper amount of standard to be used is determined from the calibration curve (see Section 6.0).

TABLE A Gas Chromatography of TCDD

| Column | Retention time (min.) | Detection limit (ug/kg)[1] |
|---|---|---|
| Glass Capillary | 9.5 | 0.003 |

[1]Detection limit for liquid samples is 0.003 ug/l. This is calculated from the minimum detectable GC response being equal to five times the GC background noise assuming a 1 ml effective final volume of the 1 liter sample extract and a GC injection of 5 microliters. Detection levels apply to both electron capture and GC/MS detection. For further details see 44 FR 69526 (December 3, 1979).

*(Source: added at 8 Ill. Reg. 24562, effective December 11, 1984)*

TABLE B DFTPP Key Ions and Ion Abundance Criteria[1]

| Mass | Ion abundance criteria |
|---|---|
| 51 | 30 to 60 percent of mass 198. |
| 68 | Less than 2 percent of mass 69. |
| 70 | Do. |
| 127 | 40 to 60 percent of mass 198. |
| 197 | Less than 1 percent of lass 198. |
| 198 | Base peak, 100 percent relative abundance. |
| 199 | 5 to 9 percent of mass 198. |
| 275 | 10 to 30 percent of mass 198. |
| 365 | Greater than 1 percent of mass 198. |
| 441 | Present but less than mass 443. |
| 442 | Greater than 40 percent of mass 198. |
| 443 | 17 to 23 percent of mass 442. |

[1]J. W. Eichelberger, L.E. Harris, and W. L. Budde 1975. Reference compound to calibrate ion abundance measurement in gas chromatography-mass spectrometry. Analytical Chemistry 47:995.

*(Source: added at 8 Ill. Reg. 24562, effective December 11, 1984)*

TABLE C List of Accurate Masses Monitored Using GC Selected-Ion Monitoring, Low Resolution, Mass Spectrometry for Simultaneous Determination of Tetra-, Penta-, and Hexachlorinated Dibenzo-p-Dioxins and Dibenzofurans

| Class of Chlorinated dibenzodioxin or dibenzofuran | Number of chlorine Substituents (x) | Monitored M/z for dibenzo-furans $C_{12}H_{-x}OCl_x$ | Monitored M/z for dibenzo-dioxins $C_{12}H_{8-x}O_2Cl_x$ | Approximate theoretical -ratio expected on Basis of isotopic abundance |
|---|---|---|---|---|
| Tetra | 4 | [1]319.897 | [1]303.902 | 0.74 |
| | | 321.894 | 321.899 | 1.00 |
| | | [2]327.885 | | |
| | | [3]256.933 | | .21 |
| | | [3]258.930 | | .20 |
| Penta | 5 | [1]353.858 | [1]337.863 | .57 |
| | | 355.855 | 339.860 | 1.00 |
| Hexa | 6 | 389.816 | 373.821 | 1.00 |
| | | 391.813 | 375.818 | .87 |

[1]Molecular ion peak.

[2]$Cl_4$ – labelled standard peaks.

[3]Ions which can be monitored in TCDD analyses for confirmation purposes.

(Comment: A Notice of Proposed Rulemaking which includes Method 8280 was published by U.S. EPA in the Federal Register at 48 FR 14514 (April 4, 1983).)

*(Source: Added at 8 Ill. Reg. 24562, effective December 11, 1984)*

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL


| Section | |
|---|---|
| 722.110 | Purpose, Scope and Applicability |
| 722.111 | Hazardous Waste Determination |
| 722.112 | USEPA Identification Numbers |


SUBPART B: THE MANIFEST


| Section | |
|---|---|
| 722.120 | General Requirements |
| 722.121 | Acquisition of Manifests |
| 722.122 | Number of Copies |
| 722.123 | Use of the Manifest |


SUBPART C: PRE-TRANSPORT REQUIREMENTS


| Section | |
|---|---|
| 722.130 | Packaging |
| 722.131 | Labeling |
| 722.132 | Marking |
| 722.133 | Placarding |
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SUBPART D: RECORDKEEPING AND REPORTING


| Section | |
|---|---|
| 722.140 | Recordkeeping |
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SUBPART E: SPECIAL CONDITIONS


| Section | |
|---|---|
| 722.150 | International Shipments |
| 722.151 | Farmers |

Appendix A Form-Annual Report (EPA Form 8700-13) (Repealed)


*AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022.4 and 1027).*

*SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985.*

SUBPART A: GENERAL

**Section 722.110 Purpose, Scope and Applicability**

a) These regulations establish standards for generators of hazardous waste.

b) A generator who treats, stores or disposes of hazardous waste on-site must only comply with the following sections of this Part with respect to that waste: Section 722.111 for determining whether or not he has a hazardous waste, Section 722.112 for obtaining an EPA identification number, Section 722.140(c) and (d) for recordkeeping, Section 722.143 for additional reporting and if applicable, Section 722.151 for farmers.

c) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this Part.

d) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of Section 722.151 is not required to comply with other standards in this Part, or 35 Ill. Adm. Code 702, 703, 724 or 725 with respect to such pesticides.

e) A person who generates a hazardous waste as defined by 35 Ill. Adm. Code 721 is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if he does not comply with the requirements of this Part.

(Board Note: A generator who 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 and 725 and 40 CFR 266.)

f) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage or disposal facility must comply with the generator standards established in this Part.

(Board Note: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.)

g) 35 Ill. Adm. Code 700 contains rules on application of other Board regulations.

*(Source: Amended at 9 Ill. Reg. 11950, effective July 24, 1985)*

**Section 722.111 Hazardous Waste Determination**

A person who generates a solid waste, as defined in Section 721.102, must determine if that waste is a hazardous waste using the following method:

a) He should first determine if the waste is excluded from regulation under Section 721.104.

b) He must then determine if the waste is listed as a hazardous waste in Subpart D of Part 721.

Note: Even if a waste is listed, the generator still has an opportunity under Section 720.122 and 40 CFR Section 260.22 to demonstrate that the waste from his particular facility or operation is not a hazardous waste.

c) If the waste is not listed as a hazardous waste in Subpart D of Part 721, he must determine whether the waste is identified in Subpart C of Part 721 by either:

1) Testing the waste according to the methods set forth in Subpart C of Part 721, or according to an equivalent method approved by the Board under Section 720.120; or

2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 722.112 USEPA Identification Numbers**

a) A generator must not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

b) A generator who has not received an EPA identification number may obtain one by applying to the Administrator using EPA form 8700-12. Upon receiving the request the Administrator will assign an EPA identification number to the generator.

c) A generator must not offer his hazardous waste to transporters or to treatment, storage or disposal facilities that have not received an EPA identification number.

## SUBPART B: THE MANIFEST

**Section 722.120 General Requirements**

a) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal within the State of Illinois shall prepare a manifest on the form supplied by the Agency.

b) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal outside the State of Illinois shall prepare a manifest on the form supplied by the Agency if the State to which the shipment if manifested does not supply and require the manifest (Office of Management and Budget OMB control number 2000-0404 on EPA form 8700-22, and, if necessary, EPA form 8700-22A.

c) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal outside the State of Illinois shall prepare a manifest OMB control number 2000-0404 on EPA form 8700-22, and if necessary EPA form 8700-22A, if the State to which the shipment is manifested supplies and requires such a manifest.

d) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

e) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

f) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

*(Source: Amended at 9 Ill. Reg. 11950, effective July 24, 1985)*

**Section 722.121 Acquisition of Manifests**

a) If the State of Illinois is the state to which the shipment is manifested (consignment state), the generator shall use the manifest supplied by the Agency.

b) If the State of Illinois is not the consignment state, the generator shall use the manifest required by the consignment state. If the consignment state does not supply and require the manifest, then the generator shall use the manifest supplied by the Agency.

*(Source: Amended at 9 Ill. Reg. 11950, effective July 24, 1985)*

**Section 722.122 Number of Copies**

The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator, and copies to be sent to the Agency by the generator and by the HWM owner or opertor.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 722.123 Use of the Manifest**

a) The generator must:

1) Sign the manifest certification by hand; and

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 facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

d) For rail shipments of hazardous waste within the United States which 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:

1) The next non-rail transporter, if any; or

2) The designated facility if transported solely by rail; or

3) The last rail transporter to handle the waste in the United States if exported by rail.

Note: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART C: PRE-TRANSPORT REQUIREMENTS

### Section 722.130 Packaging

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable Department of Transporation regulations on packaging under 49 CFR Parts 173, 178 and 179.

### Section 722.131 Labeling

Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR Part 172.

### Section 722.132 Marking

a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR Part 172;

b) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 416 liters (110 gallons) or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304:

HAZARDOUS WASTE — Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority of the U.S. Environmental Protection Agency.

Generator's Name and Address _____

Manifest Document Number _____.

### Section 722.133 Placarding

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F.

### Section 722.134 Accumulation Time

a) A generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:

1) The waste is placed in containers and the generator complies with Subpart I of 35 Ill. Adm. Code 725 or the waste is placed in tanks and the generator complies with Subpart J of 35 Ill. Adm. Code 725 except 35 Ill. Adm. Code 725.293;

2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and

4) The generator complies with the requirements for owners and operators in Subparts C and D in 35 Ill. Adm. Code 725 and with 35 Ill. Adm. Code 725.116.

b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless he has been granted an extension of the 90-day period. Such extension may be granted by the Agency if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Agency on a case-by-case basis.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

## SUBPART D: RECORDKEEPING AND REPORTING

### Section 722.140 Recordkeeping

a) A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).

c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

d) 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 by the Director.

### Section 722.141 Annual Reporting

a) A generator who ships his hazardous waste offsite must prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:

1) The USEPA identification number, name and address of the generator;

2) The calendar year covered by the report;

3) The USEPA identification number, name and address for each off-site treatment, storage or disposal facility to which waste was shipped during the year; for exported shipments, the report must give the name and address of the foreign facility.

4) The name and USEPA identification number of each transporter used during the reporting year.

5) A description, USEPA hazardous waste number (from 35 Ill. Adm. Code 721, Subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site. This information must be listed by EPA identification number of each off-site facility to which waste was shipped.

6) The certification signed by the generator or his authorized representative.

b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit an annual report covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, 724, 725 and 40 CFR 266.

*(Source: Amended at 9 Ill. Reg. 11950, effective July 24, 1985)*

**Section 722.142 Exception Reporting**

a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

b) A generator must submit an Exception Report to the Director if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

1) A legible copy of the manifest for which the generator does not have confirmation of delivery;

2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

**Section 722.143 Additional Reporting**

The Director, as he deems necessary under Section 4 of the Illinois Environmental Protection Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in Part 721.

## SUBPART E: SPECIAL CONDITIONS

**Section 722.150 International Shipments**

a) Any person who exports hazardous waste to a foreign country or imports hazardous waste from a foreign county into the United States must comply with the requirements of this Part and with the special requirements of this Section.

b) When shipping hazardous waste outside the United States, the generator must:

1) Notify the Administrator and Director in writing four weeks before the initial shipment of hazardous waste to each country in each calendar year;

A) The waste must be identified by its EPA hazardous waste identification number and its DOT shipping description.

B) The name and address of the foreign consignee must be included in this notice;

C) These notices must be sent to the Office of International Activities (A-106), United States Environmental Protection Agency, Washington, D.C. 20460.

2) Require that the foreign consignee confirm the delivery of the waste in foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose;

3) Meet the requirements under Section 722.120 for the manifest, except that:

A) In place of the name, address and EPA identification number of the designated facility, the name and address of the foreign consignee must be used;

B) The generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country.

4) Obtain the manifest form from the Agency.

c) A generator must file an Exception Report, if:

1) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; or

2) Within 90 days from the date the waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received.

d) When importing hazardous waste, a person must meet all requirements of Section 722.120 for the manifest except that:

1) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

2) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

e) A person who imports hazardous waste must obtain the manifest form from the Agency.

*(Source: Amended at 9 Ill. Reg. 11950, effective July 24, 1985)*

**Section 722.151 Farmers**

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Part or 35 Ill. Adm. Code 702, 703, 724 or 725 for such wastes, provided he triple rinses each emptied pesticide container in accordance with 35 Ill. Adm. Code 721.107(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

*(Source: Amended at 9 Ill. Reg. 11950, effective July 24, 1985)*

**Appendix A Form-Annual Report (EPA Form 8700-13) (Repealed)**

*(Source: Repealed at 9 Ill. Reg. 11950, effective July 24, 1985)*

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**


SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING


**Section**
**723.120 The Manifest System**
**723.121 Compliance with the Manifest**
**723.122 Recordkeeping**


SUBPART C: HAZARDOUS WASTE DISCHARGES


**Section**
**723.130 Immediate Action**
**723.131 Discharge Clean Up**


*AUTHORITY: Authorized by Section 27 and implementing Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1027 and 1022.4).*

*SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9, at 9 Ill. Reg. 11961, effective July 24, 1985.*

SUBPART A: GENERAL

**Section 723.110 Scope**

a) These regulations establish standards which apply to persons transporting hazardous waste into, out of or through Illinois if the transportation requires a manifest under Part 722.

b) These regulations do not apply to on-site transporation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

c) A transporter of hazardous waste must also comply with Part 722, Standards Applicable to Generators of Hazardous Waste, if he:

1) Transports hazardous waste into the United States from abroad; or

2) Mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.

Note: Transporters who store hazardous waste are required to comply with the storage standards in Parts 724 and 725 and the permit requirements of 40 CFR Part 122.

d) Part 700 contains rules concerning application of other Board regulations.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 723.111 USEPA Identification Number**

a) A transporter must not transport hazardous waste without having received an EPA identification number from the Administrator.

b) A transporter who has not received an EPA identification number may obtain one by applying to the Administrator using EPA Form 8700-12. Upon receiving the request, the Administrator will assign an EPA identification number to the transporter.

**Section 723.112 Transfer Facility Requirements**

A transporter who stores 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 is not subject to regulations under 35 Ill. Adm. Code 702, 703, 724 with respect to the storage of those wastes.

*(Source: Amended at 9 Ill. Reg. 11961, effective July 24, 1985)*

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

**Section 723.120 The Manifest System**

a) A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest, signed by the generator in accordance with the provisions of Part 722.

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) The transporter must ensure that the manifest accompanies the hazardous waste.

d) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:

1) 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; and

2) Retain one copy of the manifest in accordance with Section 723.122; and

3) Give the remaining copies of the manifest to the accepting transporter or designated facility.

e) The requirements of paragraph (c), (d) and (f) of this Section do not apply to water (bulk shipment) transporters if:

1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

2) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification and signatures) accompanies the hazardous waste; and

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; and

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 requirements of paragraphs (c), (d) and (e) do not apply and the following requirments do apply:

1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

A) Sign and date the manifest acknowledging acceptance of the hazardous waste;

B) Return a signed copy of the manifest to the non-rail transporter;

C) Forward at least three copies of the manifest to:

i) The next non-rail transporter, if any; or,

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;

D) 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 EPA identification numbers, generator certification and signatures) accompanies the hazardous waste at all times.

Note: Intermediate rail transporters are not required to sign either the manifest or shipping paper.

3) When delivering hazardous waste to the designated facility, a rail transporter must:

A) 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) 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:

A) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

B) 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 of the rail transporter.

g) Transporters who transport hazardous waste out of the United States must:

1) indicate on the manifest the date the hazardous waste left the United States; and

2) sign the manifest and retain one copy in accordance with Section 723.122(c); and

3) return a signed copy of the manifest to the generator.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 723.121 Compliance with the Manifest**

a) The transporter must deliver the entire quantity of hazardous waste which he 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) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this Section, the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

**Section 723.122 Recordkeeping**

a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in Section 723.120(e)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

c) For shipments of hazardous waste by rail within the United States:

1) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in Section 723.120(f)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter, and

2) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

Note: Intermediate rail transporters are not required to keep records pursuant to these regulations.

d) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

e) 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 by the Director.

## SUBPART C: HAZARDOUS WASTE DISCHARGES

### Section 723.130 Immediate Action

a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

b) If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

c) An air, rail, highway or water transporter who has discharged hazardous waste must:

1) Give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802 or 202-426-2675); and

2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, and,

3) Give notice to:

Emergency Services and Disaster Agency, 110 E. Adams, Springfield, IL 62706, A/C 217/782-7860.

d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

### Section 723.131 Discharge Clean Up

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

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

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*AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022.4 and 1027).*

*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.*

## SUBPART A: GENERAL

### Section 724.101 Purpose, Scope and Applicability

a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste.

b) The standards in this Part apply to owners and operators of all facilities which treat, store or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33 U.S.C. 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

(Board Note: This Part does apply to the treatment c storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.)

d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704, Subpart F.

(Board Note: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.)

e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.

f) The requirements of this Part do not apply to:

1) The owner or operator of a facility permitted by the Agency under 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 this Part by 35 Ill. Adm. Code 721.105;

(Board Note: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.)

2) The owner or operator of a facility which treats or stores hazardous waste, which treatment or storage meets the criteria in 35 Ill. Adm. Code 721.106(a), except to the extent that 35 Ill. Adm. Code 721.106(b) provides otherwise;

3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134;

4) A farmer disposing of waste pesticides from his own use in compliance with 35 Ill. Adm. Code 722.151; or

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;

8)

A) Except as provided in paragraph (f)(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 which, when discharged, becomes a hazardous waste.

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 who is covered by paragraph (f)(8)(A) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities.

9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container; and Sections 724.117(b), 724.271 and 724.272 are complied with.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.103 Relationship to Interim Status Standards**

A facility owner or operator who has fully complied with the requirements for interim status - as defined in Section 3005(e) of RCRA and regulations under 35 Ill. Adm. Code 703, Subpart C must comply with the regulations specified in 35 Ill. Adm. Code 725 in lieu of the regulations in this Part, until final administrative disposition of his permit application is made.

(Board Note: As stated in Section 21(f) of the Illinois Environmental Protection Act, the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made.)

## SUBPART B: GENERAL FACILITY STANDARDS

**Section 724.110 Applicability**

a) The regulations in this Subpart apply to owners and operators of all hazardous waste facilities, except as provided in Section 724.101 and in paragraph (b).

b) Section 724.118(b) applies only to facilities subject to regulation under Subparts I through 0.

**Section 724.111 Identification Number**

Every facility owner or operator must apply to USEPA for a USEPA identification number in accordance with the EPA notification procedures. (45 Fed. Reg. 12746.)

**Section 724.112 Required Notices**

a) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that the owner or operator has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703.

(Board Note: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.)

**Section 724.113 General Waste Analysis**

a)

1) Before an owner or operator treats, stores or disposes of any hazardous waste, it must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part or with the conditions of a permit issued under 35 Ill. Adm. Code 702, 703 and 705.

2) The analysis may include data developed under 35 Ill. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

(Board Note: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with paragraph (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by paragraph (a)(1). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this section.)

3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and

B) For off-site facilities, when the results of the inspection required in paragraph (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator must develop and follow a written waste analysis plan which describes the procedures which it will carry out to comply with paragraph (a). The owner or operator must keep this plan at the facility. At a minimum, the plan must specify:

1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with paragraph (a));

2) The test methods which will be used to test for these parameters;

3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

A) One of the sampling methods described in 35 Ill. Adm. Code 721, Appendix A; or

B) An equivalent sampling method.

(Board Note: See 35 Ill. Adm. Code 720.121 for related discussion.)

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117 and 724.441.

c) For off-site facilities, the waste analysis plan required in paragraph (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and

2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Board Note: 35 Ill. Adm. Code 703, requires that the waste analysis plan be submitted with Part B of the permit application.)

**Section 724.114 Security**

a) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the owner or operator demonstrates to the Agency that:

1) Physical contact with the waste, structures or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and

2) Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this Part.

(Board Note: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)

b) Unless the owner or operator has made a successful demonstration under paragraphs (a)(1) and (a)(2), a facility must have:

1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or

2)

A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

B) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance or controlled roadway access to the facility).

(Board Note: The requirements of paragraph (b) are satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, which complies with the requirements of paragraph (b)(1) or (b)(2).)

c) Unless the owner or operator has made a successful demonstration under paragraphs (a)(1) and (a)(2), a sign with the legend, "Danger—Unauthorized Personnel Keep Out", must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

(Board Note: See Section 724.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.)

**Section 724.115 General Inspection Requirements**

a) The owner or operator must conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator must inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing, or may lead to:

1) Release of hazardous waste constituents to the environment; or

2) A threat to human health.

b)

1) The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

2) The owner or operator must keep this schedule at the facility.

3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in Sections 724.274, 724.294, 724.326, 724.353, 724.354, 724.403 and 724.447, where applicable.

(Board Note: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.)

c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator must record inspections in an inspection log or summary. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

**Section 724.116 Personnel Training**

a)

1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3).

(Board Note: 35 Ill. Adm. Code 703 requires that owners and operators submit with Part B of the RCRA permit application, an outline of the training program used (or to be used) at the facility and a brief description of how the training program is designed to meet actual jobs tasks.)

2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including, where applicable:

A) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;

B) Key parameters for automatic waste feed cut-off systems;

C) Communications or alarm systems;

D) Response to fires or explosions;

E) Response to groundwater contamination incidents; and

F) Shutdown of operations.

b) Facility personnel must successfully complete the program required in paragraph (a) within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of paragraph (a).

c) Facility personnel must take part in an annual review of the initial training required in paragraph (a).

d) The owner or operator must maintain the following documents and records at the facility:

1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

2) A written job description for each position listed under paragraph (d)(1). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of employees assigned to each position;

3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1);

4) Records that document that the training or job experience required under paragraphs (a), (b) and (c) has been given to, and completed by, facility personnel.

e) Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

**Section 724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes**

a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heatproducing chemical reactions) and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed whereever there is a hazard from ignitable or reactive waste.

b) Where specifically required by this Part, the owner or operator of a facility that treats, stores or disposes ignitable or reactive waste, or mixes incompatible waste and other materials, must take precautions to prevent reactions which:

1) Generate extreme heat or pressure, fire or explosions, or violent reactions;

2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;

3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

4) Damage the structural integrity of the device or facility;

5) Through other like means threaten human health or the environment.

c) When required to comply with paragraphs (a) or (b), the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses (as specified in Section 724.113), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

**Section 724.118 Location Standards**

a) Seismic considerations.

1) Portions of new facilities where treatment, storage or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.

2) As used in paragraph (a)(1):

A) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side.

B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

C) "Holocene" means the most recent epoch of the Quarternary period, extending from the end of the Pleistocene to the present.

(Board Note: Procedures for demonstrating compliance with this standard in Part B of the permit application are specified in 35 Ill. Adm. Code 703.182. Facilities which are located in political jurisdictions other than those listed in Appendix F are assumed to be in compliance with this requirement.

b) Floodplains.

1) A facility located in a 100-year floodplain must be designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate to the Agency's satisfaction that:

A) Procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters; or

B) For existing surface impoundments, waste piles, land treatment units and landfills, no adverse effects on human health or the environment will result if washout occurs, considering:

i) The volume and physical and chemical characteristics of the waste in the facility;

ii) The concentration of hazardous constituents that would potentially affect surface waters as a result of washout;

iii) The impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and

iv) The impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout.

2) As used in paragraph (b)(1):

A) "100-year floodplain" means any land area which is subject to a one percent or greater chance of flooding in any given year from any source.

B) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.

C) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(Board Note: Requirements pertaining to other Federal laws which affect the location and permitting of facilities are found in 40 CFR 270.3. For details relative to these laws, see EPA's manual for SEA (special environmental area) requirements for hazardous waste facility permits. Though EPA is responsible for complying with these requirements, applicants are advised to consider them in planning the location of a facility to help prevent subsequent project delays. Facilities may be required to obtain from the Illinois Department of Transportation a permit or certification that a facility is flood-proofed.)

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

## SUBPART C: PREPAREDNESS AND PREVENTION

### Section 724.130 Applicability

The regulations in this Subpart apply to owners and operators of all hazardous waste management facilities, except as Section 724.101 provides otherwise.

### Section 724.131 Design and Operation of Facility

Facilities must be designed, constructed, maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

### Section 724.132 Required Equipment

All facilities must be equipped with the following, unless the owner or operator demonstrates to the Agency that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas or dry chemicals), spill control equipment and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers or water spray systems.

(Board Note: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)

### Section 724.133 Testing and Maintenance of Equipment

All facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

### Section 724.134 Access to Communications or Alarm System

a) Whenever hazardous waste is being poured, mixed, spread or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the permit specifies that such a device is not required under Section 724.132.

b) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the permit specifies that such a device is not required under Section 724.132.

### Section 724.135 Required Aisle Space

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless the owner or operator demonstrates to the Agency that aisle space is not needed for any of these purposes.

(Board Note: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)

### Section 724.137 Arrangements with Local Authorities

a) The owner or operator must attempt to make the following arrangements as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:

1) Arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility and possible evacuation routes;

2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

3) Agreements with state emergency response teams, emergency response contractors and equipment suppliers; and

4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

### Section 724.150 Applicability

The regulations in this Subpart apply to owners and operators of all hazardous waste management facilities, except as Section 724.101 provides otherwise.

### Section 724.151 Purpose and Implementation of Contingency Plan

a) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

b) The provisions of this plan must be carried out immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

### Section 724.152 Content of Contingency Plan

a) The contingency plan must describe the actions facility personnel must take to comply with Section 724.151 and Section 724.156 in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water at the facility.

b) If the owner or operator has already prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 or 1510, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part.

c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to corrdinate emergency services pursuant to Section 724.137.

d) The plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 724.155), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the Agency at the time of certification, rather than at the time of permit application.

e) The plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external) and decontamination equipment], where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

### Section 724.153 Copies of Contingency Plan

A copy of the contingency plan and all revisions to the plan must be:

a) Maintained at the facility; and

b) Submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

(Comment: The contingency plan must be submitted to the Agency with Part B of the permit application under 35 Ill. Adm. Code 702 and 703, and, after modification or approval, will become a condition of any permit issued.)

### Section 724.154 Amendment of Contingency Plan

The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

a) The facility permit is revised;

b) The plan fails in an emergency;

c) The facility changes—in its design, construction, operation, maintenance or other circumstances—in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

(Board Note: A change in the lists of facility emergency coordinators or equipment in the contingency plan constitutes a minor modification to the facility permit to which the plan is a condition.)

### Section 724.155 Emergency Coordinator

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(Comment: The emergency coordinator's responsibilities are more fully spelled out in Section 724.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.)

### Section 724.156 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:

1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire or explosion, the emergency coordinator must immediately identify the character, exact source, amount and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire or explosion (e.g., the effects of any toxic, irritating or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator must report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area, (in the applicable regional contingency plan under 40 CFR Part 1510) or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

A) Name and telephone number of reporter;

B) Name and address of facility;

C) Time and type of incident (e.g., release, fire);

D) Name and quantity of material(s) involved, to the extent known;

E) The extent of injuries, if any; and

F) The possible hazards to human health, or the environment, outside the facility.

e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire or explosion at the facility.

(Board Note: Unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723 and 724.)

h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

1) No waste that may be incompatible with the released material is treated, stored or disposed of until cleanup procedures are completed; and

2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The owner or operator must notify the Agency, and appropriate state and local authorities, that the facility is in compliance with paragraph (h) before operations are resumed in the affected area(s) of the facility.

j) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator must submit a written report on the incident to the Agency. The report must include:

1) Name, address and telephone number of the owner or operator;

2) Name, address and telephone number of the facility;

3) Date, time and type of incident (e.g., fire, explosion);

4) Name and quantity of material(s) involved;

5) The extent of injuries, if any;

6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

7) Estimated quantity and disposition of recovered material that resulted from the incident.

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

### Section 724.170 Applicability

The regulations in this Subpart apply to owners and operators of both on-site and off-site facilities, except as Section 724.101 provides otherwise. Sections 724.171, 724.172 and 724.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources.

### Section 724.171 Use of Manifest System

a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner or operator's agent, must:

1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

2) Note any significant discrepancies in the manifest (as defined in Section 724.172(a)) on each copy of the manifest;

(Board Note: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.)

3) Immediately give the transporter at least one copy of the signed manifest;

4) Within 30 days after the delivery, send a copy of the manifest to the generator and to the Agency; and

5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must:

1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) Note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper.

(Board Note: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.)

3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator and to the Agency; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the owner or operator's agent, must send a copy of the shipping paper signed and dated to the generator; and

(Board Note: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).)

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

(Board Note: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.)

**Section 724.172 Manifest Discrepancies**

a)

1) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives;

2) Significant discrepancies in quantity are:

A) For bulk waste, variations greater than 10 percent in weight; and

B) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

3) Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

**Section 724.173 Operating Record**

a) The owner or operator must keep a written operating record at the facility.

b) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

1) A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage or disposal at the facility as required by Appendix A;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include crossreferences to specific manifest document numbers, if the waste was accompanied by a manifest;

(Board Note: See Section 724.219 for related requirements.)

3) Records and results of waste analyses performed as specified in Sections 724.113, 724.117 and 724.441;

4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 724.156(j);

5) Records and results of inspections as required by Section 724.115(d) (except these data need to be kept only three years);

6) Monitoring, testing or analytical data where required by Sections 724.326, 724.353, 724.354, 724.376, 724.378, 724.380, 724.403, 724.409 or 724.447.

7) For off-site facilities, notices to generators as specified in Section 724.112(b);

8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure cost estimates under Section 724.244.

**Section 724.174 Availability, Retention and Disposition of Records**

a) All records, including plans, required under this Part must be furnished upon request, and made available at all reasonable times for inspection, by authorized representatives of the Agency.

b) The retention period for all records required under this Part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested in writing by the Agency.

c) A copy of records of waste disposal locations and quantities under Section 724.173(b)(2) must be submitted to the Agency and to the County Recorder upon closure of the facility.

**Section 724.175 Annual Report**

The owner or operator must prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

a) The EPA identification number, name and address of the facility;

b) The calendar year covered by the report;

c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;

e) The method of treatment, storage or disposal for each hazardous waste;

g) The most recent closure cost estimate under Section 724.242, and, for disposal facilities, the most recent post-closure cost estimate under Section 724.244; and

h) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.176 Unmanifested Waste Report**

If a facility accepts for treatment, storage or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 35 Ill. Adm. Code 723.120(e)(2), and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 721.105, then the owner or operator must prepare and submit a single copy of a report to the Agency within 15 days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated 'Unmanifested Waste Report' and include the following information:

a) The EPA identification number, name and address of the facility;

b) The date the facility received the waste;

c) The EPA identification number, name and address of the generator and the transporter, if available;

d) A description and the quantity of each unmanifested hazardous waste and facility received;

e) The method of treatment, storage or disposal for each hazardous waste;

f) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative; and

g) A brief explanation of why the waste was unmanifested, if known.

(Board Note: Small quantities of hazardous waste are excluded from regulation under this Part and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Board suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Board suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.177 Additional Reports**

In addition to submitting the annual report and unmanifested waste reports described in Sections 724.175 and 724.176, the owner or operator must also report to the Agency:

a) Releases, fires and explosions as specified in Section 724.156(j);

b) Facility closures specified in Section 724.215; and

c) As otherwise required by Subparts F and K-N.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

## SUBPART F: GROUNDWATER PROTECTION

**Section 724.190 Applicability**

a) Except as provided in paragraph (b), the regulations in this Subpart apply to owners and operators of facilities that treat, store or dispose of hazardous waste in surface impoundments, waste piles, land treatment units or landfills. The owner or operator must satisfy the requirements of this Subpart for all wastes (or constituents thereof) contained in any such waste management unit at the facility that receives hazardous waste after January 26, 1983 (hereinafter referred to as a "regulated unit"). Any waste or waste constituent migrating beyond the waste management area under Section 724.195(b) is assumed to originate from a regulated unit unless the owner or operator demonstrates that such waste or waste constituent originated from another source.

b) The owner or operator is not subject to regulation under this Subpart if:

1) The owner or operator is exempted under Section 724.101;

2) The owner or operator designs and operates a surface impoundment in compliance with Section 724.322, a pile in compliance with Section 724.350(c), 724.352 or 724.353, or a landfill in compliance with Section 724.402;

3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this Subpart during the post-closure care period; or

4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration.

c) The regulations under this Subpart apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this Subpart;

1) Do not apply if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure:

2) Apply during the post-closure care period under Section 724.217 if the owner or operator is conducting a detection monitoring program under Section 724.198; or

3) Apply during the compliance period under Section 724.196 if the owner or operator is conducting a compliance monitoring program under Section 724.199 or a corrective action program under Section 724.200.

**Section 724.191 Required Programs**

a) Owners and operators subject to this Subpart must conduct a monitoring and response program as follows:

1) Whenever hazardous constituents under Section 724.193 from a regulated unit are detected at the compliance point under Section 724.195, the owner or operator must institute a compliance monitoring program under Section 724.199;

2) Whenever the groundwater protection standard under Section 724.192 is exceeded, the owner or operator must institute a corrective action program under Section 724.200.

3) Whenever hazardous constituents under Section 724.193 from a regulated unit exceed concentration limits under Section 724.194 in groundwater between the compliance point under Section 724.195 and the downgradient facility property boundary, the owner or operator must institute a corrective action program under Section 724.200; or

4) In all other cases, the owner or operator must institute a detection monitoring program under Section 724.198.

b) The Agency will specify in the facility permit the specific elements of the monitoring and response program. The Agency may include one or more of the programs identified in paragraph (a) in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Agency will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

**Section 724.192 Groundwater Protection Standard**

The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under Section 724.193 entering the groundwater from a regulated unit do not exceed the concentration limits under Section 724.194 in the uppermost aquifer underlying the waste management area beyond the point of compliance under Section 724.195 during the compliance period under Section 724.196. The Agency will establish this groundwater protection standard in the facility permit when hazardous constituents have entered the groundwater from a regulated unit.

**Section 724.193 Hazardous Constituents**

a) The Agency will specify in the facility permit the hazardous constituents to which the groundwater protection standard of Section 724.192 applies. Hazardous constituents are constituents identified in Appendix H of 35 Ill. Adm. Code 721 that have been detected in groundwater in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the Agency has excluded them under paragraph (b).

b) The Agency will exclude a 35 Ill. Adm. Code 721, Appendix H constituent from the list of hazardous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Agency will consider the following:

1) Potential adverse effects on groundwater quality, considering:

A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity of groundwater and the direction of groundwater flow;

D) The proximity and withdrawal rates of groundwater users;

E) The current and future uses of groundwater in the area;

F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

G) The potential for health risks caused by human exposure to waste constituents;

H) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

I) The persistence and permanence of the potential adverse effects; and

2) Potential adverse effects on hydraulically-connected surface water quality, considering:

A) The volume and physical and chemical characteristics of the waste in the regulated unit;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity and quality of groundwater, and the direction of groundwater flow;

D) The patterns of rainfall in the region;

E) The proximity of the regulated unit to surface waters;

F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

H) The potential for health risks caused by human exposure to waste constituents;

I) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and

J) The persistence and permanence of the potential adverse effects.

c) In making any determination under paragraph (b) about the use of groundwater in the area around the facility, the Agency will consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.

d) The Agency shall make specific written findings in granting any exemptions under paragraph (b).

**Section 724.194 Concentration Limits**

a) The Agency will specify in the facility permit concentration limits in the groundwater for hazardous constituents established under Section 724.193. The concentration of a hazardous constituent:

1) Must not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or

2) For any of the constituents listed in Table 1, must not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or

3) Must not exceed an alternate limit established by the Agency under paragraph (b).

TABLE 1 — MAXIMUM CONCENTRATION OF CONSTITUENTS FOR GROUNDWATER PROTECTION

| Constituent | Maximum Concentration (mg/l) |
|---|---|
| Arsenic | 0.05 |
| Barium | 1.0 |
| Cadmium | 0.01 |
| Chromium | 0.05 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Selenium | 0.01 |
| Silver | 0.05 |
| Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, endo-1,4: 5,8-dimethanonaphthalene) | 0.0002 |
| Lindane (1,2,3,4,5,6-hexachloro cyclohexane, gamma isomer) | 0.004 |
| Methoxychlor (1,1,1-Trichloro-2,2'-bis-(p-methoxyphenyl)ethane) | 0.1 |
| Toxaphene (Technical chlorinated camphene, 67-69 percent chlorine) | 0.005 |
| 2,4-D (2,4-Dichlorophenoxyacetic acid) | 0.1 |
| 2,4,5-TP (Silvex) (2,4,5-Trichlorophenoxy-propionic acid) | 0.01 |

b) The Agency will establish an alternate concentration limit for a hazardous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the Agency will consider the following factors:

1) Potential adverse effects on groundwater quality, considering:

A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity of groundwater and the direction of groundwater flow;

D) The proximity and withdrawal rates of groundwater users;

E) The current and future uses of groundwater in the area;

F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

G) The potential for health risks caused by human exposure to waste constituents,

H) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

I) The persistence and permanence of the potential adverse effects; and

2) Potential adverse effects on hydraulically-connected surface-water quality, considering:

A) The volume and physical and chemical characteristics of the waste in the regulated unit;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity and quality of groundwater, and the direction of groundwater flow;

D) The patterns of rainfall in the region;

E) The proximity of the regulated unit to surface waters;

F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality;

H) The potential for health risks caused by human exposure to waste constituents;

I) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and

J) The persistence and permanence of the potential adverse effects.

c) In making any determination under paragraph (b) about the use of groundwater in the area around the facility the Agency will consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.

d) The Agency shall make specific written findings in setting any alternate concentration limits under paragraph (b).

**Section 724.195 Point of Compliance**

a) The Agency will specify in the facility permit the point of compliance at which the groundwater protection standard of Section 724.192 applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units.

b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit.

1) The waste management area includes horizontal space taken up by any liner, dike or other barrier designed to contain waste in a regulated unit.

2) If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

**Section 724.196 Compliance Period**

a) The Agency will specify in the facility permit the compliance period during which the groundwater protection standard of Section 724.192 applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period.)

b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of Section 724.199.

c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in paragraph (a), the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.

**Section 724.197 General Groundwater Monitoring Requirements**

The owner or operator must comply with the following requirements for any groundwater monitoring program developed to satisfy Section 724.198, 724.199 or 724.200.

a) The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that:

1) Represent the quality of background water that has not been affected by leakage from a regulated unit; and

2) Represent the quality of groundwater passing the point of compliance.

b) If a facility contains more than one regulated unit, separate groundwater monitoring systems are not required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer will enable detection and measurement at the compliance point of hazardous constituents from the regulated units that have entered the groundwater in the uppermost aquifer.

c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater.

d) The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum the program must include procedures and techniques for:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

e) The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents in groundwater samples.

f) The groundwater monitoring program must include a determination of the groundwater surface elevation each time groundwater is sampled.

g) Where appropriate, the groundwater monitoring program must establish background groundwater quality for each of the hazardous constituents or monitoring parameters or constituents specified in the permit.

1) In the detection monitoring program under Section 724.198, background groundwater quality for a monitoring parameter or constituent must be based on data from quarterly sampling of wells upgradient from the waste management area for one year.

2) In the compliance monitoring program under Section 724.199, background groundwater quality for a hazardous constituent must be based on data from upgradient wells that:

A) Is available before the permit is issued;

B) Accounts for measurement errors in sampling and analysis; and

C) Accounts, to the extent feasible, for seasonal fluctuations in background groundwater quality if such fluctuations are expected to affect the concentration of the hazardous constituent.

3) Background quality may be based on sampling of wells that are not upgradient from the waste management area where:

A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or

B) Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells.

4) In developing the data base used to determine a background value for each parameter or constituent, the owner or operator must take a minimum of one sample from each well and a minimum of four samples from the entire system used to determine background groundwater quality, each time the system is sampled.

h) The owner or operator must use the following statistical procedure in determining whether background values or concentration limits have been exceeded:

1) If, in a detection monitoring program, the level of a constituent at the compliance point is to be compared to the constituent's background value and that background value has a sample coefficient of variation less than 1.00:

A) The owner or operator must take at least four portions from a sample at each well at the compliance point and determine whether the difference between the mean of the constituent at each well (using all portions taken) and the background value for the constituent is significant at the 0.05 level using the Cochran's Approximation to the Behrens-Fisher Student's t-test as described in Appendix IV. If the test indicates that the difference is significant, the owner or operator must repeat the same procedure (with at least the same number of portions as used in the first test) with a fresh sample from the monitoring well. If this second round of analyses indicates that the difference is significant, the owner or operator must conclude that a statistically significant change has occurred; or

B) The owner or operator may use an equivalent statistical procedure for determining whether a statistically significant change has occurred. The Agency will specify such a procedure in the facility permit if it finds that the alternative procedure reasonably balances the probability of falsely identifying a non-contaminating regulated unit and the probability of failing to identify a contaminating regulated unit in a manner that is comparable to that of the statistical procedure described in paragraph (h)(1)(A).

2) In all other situations in a detection monitoring program and in a compliance monitoring program, the owner or operator must use a statistical procedure providing reasonable confidence that the migration of hazardous constituents from a regulated unit into and through the aquifer will be indicated. The Agency will specify a statistical procedure in the facility permit that it finds:

A) Is appropriate for the distribution of the data used to establish background values or concentration limits; and

B) Provides a reasonable balance between the probability of falsely identifying a non-contaminating regulated unit and the probability of failing to identify a contaminating regulated unit.

**Section 724.198 Detection Monitoring Program**

An owner or operator required to establish a detection monitoring program under this Subpart must, at a minimum, discharge the following responsibilities:

a) The owner or operator must monitor for indicator parameters (e.g., specific conductance, total organic carbon or total organic halogen), waste constituents or reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Agency will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

1) The types, quantities and concentrations of constituents in wastes managed at the regulated unit;

2) The mobility, stability and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

3) The detectability of indicator parameters, waste constituents and reaction products in groundwater; and

4) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.

b) The owner or operator must install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Sections 724.197(a)(2), 724.197(b) and 724.197(c).

c) The owner or operator must establish a background value for each monitoring parameter or constituent specified in the permit pursuant to paragraph (a). The permit will specify the background values for each parameter or specify the procedures to be used to calculate the background values:

1) The owner or operator must comply with Section 724.197(g) in developing the data base used to determine background values.

2) The owner or operator must express background values in a form necessary for the determination of statistically significant increases under Section 724.197(h).

3) In taking samples used in the determination of background values, the owner or operator must use a groundwater monitoring system that complies with Section 724.197(a)(1), 724.197(b) and 724.197(c).

d) The owner or operator must determine groundwater quality at each monitoring well at the compliance point at least semi-annually during the active life of a regulated unit (including the closure period) and the post-closure care period. The owner or operator must express the groundwater quality at each monitoring well in a form necessary for the determination of statistically significant increases under Section 724.197(h).

e) The owner or operator must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

f) The owner or operator must use procedures and methods for sampling and analysis that meet the requirements of Section 724.197(d) and 724.197(e).

g) The owner or operator must determine whether there is a statistically significant increase over background values for any parameter or constituent specified in the permit pursuant to paragraph (a) each time it determines groundwater quality at the compliance point under paragraph (d).

1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality at each monitoring well at the compliance point for each parameter or constituent to the background value for that parameter or constituent, according to the statistical procedure specified in the permit under Section 724.197(h).

2) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The Agency will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

h) If the owner or operator determines, pursuant to paragraph (g), that there is a statistically significant increase for parameters or constituents specified pursuant to paragraph (a) at any monitoring well at the compliance point, the owner or operator must:

1) Notify the Agency of this finding in writing within seven days. The notification must indicate what parameters or constituents have shown statistically significant increases;

2) Immediately sample the groundwater in all monitoring wells and determine the concentration of all constituents identified in 35 Ill. Adm. Code 721, Appendix H that are present in groundwater;

3) Establish a background value for each 35 Ill. Adm. Code 721, Appendix H constituent that has been found at the compliance point under paragraph (h)(2), as follows:

A) The owner or operator must comply with Section 724.197(g) in developing the data base used to determine background values;

B) The owner or operator must express background values in a form necessary for the determination of statistically significant increases under Section 724.197(h); and

C) In taking samples used in the determination of background values, the owner or operator must use a groundwater monitoring system that complies with Section 724.197(a)(1), 724.197(b) and 724.197(c);

4) Within 90 days, submit to the Agency an application for a permit modification to establish a compliance monitoring program meeting the requirements of Section 724.199. The application must include the following information:

A) An identification of the concentration of any 35 Ill. Adm. Code 721, Appendix H constituents found in the groundwater at each monitoring well at the compliance point;

B) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of Section 724.199;

C) Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods or statistical procedures used at the facility necessary to meet the requirements of Section 724.199.

D) For each hazardous constituent found at the compliance point, a proposed concentration limit under Section 724.194(a)(1) or 724.194(a)(2), or a notice of intent to seek an alternate concentration limit for a hazardous constituent under Section 724.194(b); and

5) Within 180 days, submit to the Agency:

A) All data necessary to justify any alternate concentration limit for a hazardous constituent sought under Section 724.194(b); and

B) An engineering feasibility plan for a corrective action program necessary to meet the requirements of Section 724.200, unless:

i) All hazardous constituents identified under paragraph (h)(2) are listed in Table 1 of Section 724.194 and their concentrations do not exceed the respective values given in that Table; or

ii) The owner or operator has sought an alternate concentration limit under Section 724.194(b) for every hazardous constituent identified under paragraph (h)(2).

i) If the owner or operator determines, pursuant to paragraph (g), that there is a statistically significant increase of parameters or constituents specified pursuant to paragraph (a) at any monitoring well at the compliance point, the owner or operator may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under paragraph (h)(4), the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in paragraph (h)(4) unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. If the demonstration is unsuccessful, the Agency shall notify the owner or operator in writing, with a statement as to why it determined the demonstration to have been unsuccessful. Such demonstration denial may be appealed to the Board pursuant to 35 Ill. Adm. Code 105. Such appeal will not excuse compliance with the facility permit, or delay any permit modification proceeding. In making a demonstration under this paragraph, the owner or operator must:

1) Notify the Agency in writing within seven days of determining a statistically significant increase at the compliance point that the owner or operator intends to make a demonstration under this paragraph;

2) Within 90 days, submit a report to the Agency which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis or evaluation;

3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility; and

4) Continue to monitor in accordance with the detection monitoring program established under this section.

j) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

k) The owner or operator must assure that monitoring and corrective action measures necessary to achieve compliance with the groundwater protection standard under Section 724.192 are taken during the term of the permit.

**Section 724.199 Compliance Monitoring Program**

An owner or operator required to establish a compliance monitoring program under this Subpart must, at a minimum, discharge the following responsibilities:

a) The owner or operator must monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency will specify the groundwater protection standard in the facility permit, including:

1) A list of the hazardous constituents identified under Section 724.193;

2) Concentration limits under Section 724.194 for each of those hazardous constituents;

3) The compliance point under Section 724.195; and

4) The compliance period under Section 724.196.

b) The owner or operator must install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Section 724.197(a)(2), 724.197(b) and 724.197(c).

c) Where a concentration limit established under paragraph (a)(2) is based on background groundwater quality, the Agency will specify the concentration in the permit as follows:

1) If there is a high temporal correlation between upgradient and compliance point concentrations of the hazardous constituents, the owner or operator may establish the concentration limit through sampling at upgradient wells each time groundwater is sampled at the compliance point. The Agency will specify the procedures used for determining the concentration limit in this manner in the permit. In all other cases, the concentration limit will be the mean of the pooled data on the concentration of the hazardous constituent.

2) If a hazardous constituent is identified on Table 1 under Section 724.194 and the difference between the respective concentration limit in Table 1 and the background value of the constituent under Section 724.197(g) is not statistically significant, the owner or operator must use the background value of the constituent as the concentration limit. In determining whether this difference is statistically significant, the owner or operator must use a statistical procedure providing reasonable confidence that a real difference will be indicated. The statistical procedure must:

A) Be appropriate for the distribution of the data used to establish background values; and

B) Provide a reasonable balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference.

3) The owner or operator must;

A) Comply with Section 724.197(g) in developing the data base used to determine background values;

B) Express background values in a form necessary for the determination of statistically significant increases under Section 724.197(h); and

C) Use a groundwater monitoring system that complies with Section 724.197(a)(1), 724.197(b) and 724.197(c).

d) The owner or operator must determine the concentration of hazardous constituents in groundwater at each monitoring well at the compliance point at least quarterly during the compliance period. The owner or operator must express the concentration at each monitoring well in a form necessary for the determination of statistically significant increases under Section 724.197(h).

e) The owner or operator must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

f) The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in 35 Ill. Adm. Code 721, Appendix H at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer. If the owner or operator finds 35 Ill. Adm. Code 721, Appendix H constituents in the groundwater that are not identified in the permit as hazardous constituents, the owner or operator must report the concentrations of these additional constituents to the Agency within seven days after completion of the analysis.

g) The owner or operator must use procedures and methods for sampling and analysis that meet the requirements of Section 724.197(d) and 724.197(e).

h) The owner or operator must determine whether there is a statistically significant increase over the concentration limits for any hazardous constituents specified in the permit pursuant to paragraph (a) each time the owner or operator determines the concentration of hazardous constituents in groundwater at the compliance point.

1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality at each monitoring well at the compliance point for each hazardous constituent to the concentration limit for that constituent according to the statistical procedures specified in the permit under Section 724.197(h).

2) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point, within a reasonable time period after completion of sampling. The Agency will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

i) If the owner or operator determines, pursuant to paragraph (h) that the groundwater protection standard is being exceeded at any monitoring well at the point of compliance, the owner or operator must:

1) Notify the Agency of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.

2) Submit to the Agency an application for a permit modification to establish a corrective action program meeting the requirements of Section 724.200 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Agency under Section 724.198(h)(5). The application must at a minimum include the following information:

A) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under paragraph (a); and

B) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

j) If the owner or operator determines, pursuant to paragraph (h), that the groundwater protection standard is being exceeded at any monitoring well at the point of compliance, the owner or operator may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under paragraph (i)(2), the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in paragraph (i)(2) unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis or evaluation. In making a demonstration under this paragraph, the owner or operator must:

1) Notify the Agency in writing within seven days that it intends to make a demonstration under this paragraph;

2) Within 90 days, submit a report to the Agency which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis or evaluation;

3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and

4) Continue to monitor in accord with the compliance monitoring program established under this section.

k) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

l) The owner or operator must assure that monitoring and corrective action measures necessary to achieve compliance with the groundwater protection standard under Section 724.192 are taken during the term of the permit.

**Section 724.200 Corrective Action Program**

An owner or operator required to establish a corrective action program under this Subpart must, at a minimum, discharge the following responsibilities:

a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency will specify the groundwater protection standard in the facility permit, including:

1) A list of the hazardous constituents identified under Section 724.193;

2) Concentration limits under Section 724.194 for each of those hazardous constituents;

3) The compliance point under Section 724.195; and

4) The compliance period under Section 724.196.

b) The owner or operator must implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that will be taken.

c) The owner or operator must begin corrective action within a reasonable time period after the groundwater protection standard is exceeded. The Agency will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of Section 724.199(i)(2).

d) In conjunction with a corrective action program, the owner or operator must establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under Section 724.199 and must be as effective as that program in determining compliance with the groundwater protection standard under Section 724.192 and in determining the success of a corrective action program under paragraph (e) where appropriate.

e) In addition to the other requirements of this section, the owner or operator must conduct a corrective action program to remove or treat in place any hazardous constituents under Section 724.193 that exceed concentration limits under Section 724.194 in groundwater between the compliance point under Section 724.195 and the downgradient facility property boundary. The permit will specify the measures to be taken:

1) Corrective action measures under this paragraph must be initiated and completed within a reasonable period of time considering the extent of contamination.

2) Corrective action measures under this paragraph may be terminated once the concentration of hazardous constituents under Section 724.193 is reduced to levels below their respective concentration limits under Section 724.194.

f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, the owner or operator must continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if the owner or operator can demonstrate, based on data from the groundwater monitoring program under paragraph (d), that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.

g) The owner or operator must report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.

h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

## SUBPART G: CLOSURE AND POST-CLOSURE

**Section 724.210 Applicability**

Except as Section 724.101 provides otherwise:

a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and

b) Sections 724.217 through 724.220 (which concern post-closure care) apply to the owners and operators of:

1) All hazardous waste disposal facilities; and

2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that these sections are made applicable to such facilities in Sections 724.328 and 724.358.

**Section 724.211 Closure Performance Standard**

The owner or operator must close the facility in a manner that:

a) Minimizes the need for further maintenance, and

b) Controls, minimizes or eliminates, to the extent necessary to prevent threats to human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall or waste decomposition products to the ground or surface waters or to the atmosphere.

**Section 724.212 Closure Plan; Amendment of Plan**

a) The owner or operator of a hazardous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the

Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit. The Agency's decision must assure that the approved closure plan is consistent with Sections 724.211, 724.213, 724.214, 724.215 and the applicable requirements of Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451. A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with Section 724.215. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include, at least:

1) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility, and how the requirements of Sections 724.211, 724.213, 724.214, 724.215 and the applicable closure requirements of Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451 will be met;

2) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under 35 Ill. Adm. Code 702.187);

3) A description of the steps needed to decontaminate facility equipment during closure; and

4) An estimate of the expected year of closure and schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)

b) The owner or operator may amend the closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When it requests a permit modification to authorize a change in operating plans or facility design, the owner or operator must request a modification of the closure plan at the same time (see 35 Ill. Adm. Code 705.128(a)). If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within 60 days after the change in plans or design occurs.

(Board Note: Changes in estimates of maximum inventory and of the estimated year of closure under Section 724.212(a)(2) and (4) may be made as minor permit modifications under 35 Ill. Adm. Code 702.187(e).)

c) The owner or operator must notify the Agency at least 180 days prior to the date it expects to begin closure.

(Board Note: The date when the owner or operator "expects to begin closure" should be within 30 days after the date it expects to receive the final volume of waste. If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board Order under Title VIII of the Illinois Environmental Protection Act, to cease receiving wastes or to close, then the requirement of this paragraph does not apply. However, the owner or operator must close the facility in accordance with the deadlines established in Section 724.213.)

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.213 Closure; Time Allowed for Closure**

a) All permits shall require that, within 90 days after receiving the final volume of hazardous waste, the owner or operator treat, remove from the site or dispose of on-site, all hazardous wastes in accordance with the approved closure plan, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency may approve a longer period if the owner or operator demonstrates that:

1)

A) The activities required to comply with this paragraph will, of necessity, take longer than 90 days to complete; or

B)

i) The facility has the capacity to receive additional wastes;

ii) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

iii) Closure of the facility would be incompatible with continued operation of the site; and

2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment.

b) All permits shall require that the owner or operator complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency may approve a longer closure period if the owner or operator demonstrates that:

1)

A) The closure activities will, of necessity, take longer than 180 days to complete; or

B)

i) The facility has the capacity to receive additional wastes;

ii) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

iii) Closure of the facility would be incompatible with continued operation of the site; and

2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility.

(Board Note: Any extension of the 90 or 180 day period in this Section may be made as a minor modification under 35 Ill. Adm. Code 702.187. Under paragraphs (a)(1)(B) and (b)(1)(B), if operation of the site is recommenced, the Agency may defer completion of closure activities until the new operation is terminated.)

**Section 724.214 Disposal or Decontamination of Equipment**

When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all hazardous waste and residues.

**Section 724.215 Certification of Closure**

When closure is completed, the owner or operator must submit to the Agency certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

**Section 724.217 Post-closure Care and Use of Property**

a)

1) Post-closure care must continue for 30 years after the date of completing closure and must consist of at least the following:

A) Monitoring and reporting in accordance with the requirements of Subparts F, K, L, M and N; and

B) Maintenance and monitoring of waste containment systems in accordance with the requirements of Subparts F, K, L, M and N.

2)

A) During the 180-day period preceding closure (see Section 724.212(c)) or at any time thereafter, the Board will reduce the post-closure care period to less than 30 years if the it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment or re-use techniques indicate that the facility is secure).

B) Prior to the time that the post-closure care period is due to expire, the Board will extend the post-closure care period if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment).

C) Reduction or extension of the post-closure care period will be by rulemaking pursuant to 35 Ill. Adm. Code 102.

b) The Agency may require, at closure, continuation of any of the security requirements of Section 724.114 during part or all of the post-closure period after the date of completing closure when:

1) Wastes may remain exposed after completion of closure; or

2) Access by the public or domestic livestock may pose a hazard to human health.

c) Post-closure use of property on or in which hazardous wastes remain after closure must never be allowed to disturb the integrity of the final cover, liner(s) or any other components of any containment system, or the function of the facility's monitoring systems, unless the Agency finds, by way of a permit modification, that the disturbance:

1) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

2) Is necessary to reduce a threat to human health or the environment.

d) All the post-closure care activities must be in accordance with the provisions of the approved post- closure plan as specified in Section 724.218.

**Section 724.218 Post-closure Plan; Amendment of Plan**

a) The owner or operator of a disposal facility must have a written post-closure plan. In addition, certain piles and certain surface impoundments from which the owner or operator intends to remove the wastes at closure are required by Sections 724.328 and 724.358 to have post-closure plans. The plan must be submitted with a permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure plan will become a condition of any permit issued. A copy of the approved plan and all revisions to the plan must be kept at the facility until the post-closure care period begins. This plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least:

1) A description of the planned monitoring activities and frequencies which they will be performed to comply with Subparts F, K, L, M and N during the post-closure care period;

2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts K, L, M and N; and

B) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M and N; and

3) The name, address and phone number of the person or office to contact about the disposal facility during the post-closure period. This person or office must keep an updated post-closure plan during the post-closure period.

b) The owner or operator may amend the post-closure plan at any time during the active life of the disposal facility or during the post-closure care period. The owner or operator must amend the plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the post-closure period, affect the post-closure plan. The owner or operator must also amend the plan whenever there is a change in the expected year of closure.

c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design, modification of the post-closure plan must be requested at the same time (see 35 Ill. Adm. Code 705.128). In all other cases, the request for modification of the post-closure plan must be made within 60 days after the change in operating plans or facility design or the events which affect the post-closure plan occur.

**Section 724.219 Notice to Local Land Authority**

Within 90 days after closure is completed, the owner or operator of a disposal facility must submit to the Agency, to the County Recorder and to any local zoning authority a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the County Recorder and any local zoning authority must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in Section 724.217(c). In addition, the owner or operator must submit to the Agency, the County Recorder and any local zoning authority a record of the type, location and quantity of hazardous wastes disposed of within each cell or area of the facility. For wastes disposed of before these regulations were promulgated, the owner or operator must identify the type, location and quantity of the wastes to the best of its knowledge and in accordance with any record that it has kept. Any changes in the type, location or quantity of hazardous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the same agencies the plat and record were filed with.

**Section 724.220 Notice in Deed to Property**

a) The owner of the property on which a disposal facility is located must record, in accordance with Illinois law, a notation on the deed to the facility property — or on some other instrument which is normally examined during title search — that will in perpetuity notify any potential purchaser of the property that:

1) The land has been used to manage hazardous wastes;

2) Its use is restricted under Section 724.217(c);

3) The survey plat and record of the type, location and quantity of hazardous wastes disposed of within each cell or area of the facility required in Section 725.219 have been filed with the Agency, the County Recorder and any local zoning authority.

b) If at any time the owner or operator or any subsequent owner of the land upon which a hazardous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, the owner or operator may remove the notation on the deed to the facility property or other instrument normally examined during title search, or may add a notation to the deed or instrument indicating the removal of the waste.

(Board Note: On removing the waste and waste residues, the liner, if any, and the contaminated soil, the owner or operator, unless it can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that any solid waste removed is not a hazardous waste, becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725.)

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

## SUBPART H: FINANCIAL REQUIREMENTS

**Section 724.240 Applicability**

a) The requirements of Sections 724.242, 724.243 and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.

b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of:

1) Disposal facilities, and

2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that these sections are made applicable to such facilities in Sections 724.328 and 724.358.

c) States and Federal government are exempt from the requirements of this Subpart.

**Section 724.241 Definitions of Terms As Used In This Subpart**

a) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 724.212.

b) "Current closure cost estimate" means that the most recent of the estimates prepared in accordance with Sections 724.242(a), (b) and (c).

c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with Sections 724.244(a), (b) and (c).

d) "Parent corporation" means a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of Sections 724.217 through 724.220.

f) The following terms are used in the specifications for the financial test for closure, post-closure care and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

g) In the liability insurance requirements the terms "bodily injury" and "property damage" shall have the meanings given these terms by applicable State law. However, these terms do not include those liabilities which, consistent with standard industry practices, are excluded from coverage in liability policies for bodily injury and property damage. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Nonsudden accidental occurrence" means an occurrence which takes place over time and involves continuous or repeated exposure.

"Sudden accidental occurrence" means an occurrence which is not continuous or repeated in nature.

**Section 724.242 Cost Estimate for Closure**

a) The owner or operator must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 724.211 through 724.215 and applicable closure requirements in Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 724.212(a)).

b) The owner or operator must adjust the closure cost estimate for inflation within 30 days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made as specified in paragraphs (b)(1) and (b)(2) using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

c) The owner or operator must revise the closure cost estimate whenever a change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in Section 724.242(b).

d) The owner or operator must keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with Sections 724.242(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.242(b), the latest adjusted closure cost estimate.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.243 Financial Assurance For Closure**

An owner or operator of each facility must establish financial assurance for closure of the facility. It must choose from the options as specified in paragraphs (a) through (f).

a) Closure trust fund.

1) An owner or operator may satisfy the requirements of this section by establishing a closure trust fund which conforms to the requirements of this paragraph and submitting an originally signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

2) The wording of the trust agreement must be identical to the wording specified in 40 CFR 264.151(a)(1) and the trust agreement must be accompanied by a formal certification of acknowledgment (for example, see 40 CFR 264.151(a)(2)). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the closure trust fund must be made as follows:

A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for treatment, storage or disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current closure cost estimate, except as provided in paragraph (g), divided by the number of years in the pay-in. Subsequent

payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

Next payment = (CE - CV) / Y

where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

B) If an owner or operator establishes a trust fund as specified in 35 Ill. Adm. Code 725.243(a) and the value of that trust fund is less than the current closure cost estimate when a permit is awarded for the facility, the amount of the current closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in paragraph (a)(3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by this formula:

Next payment = (CE - CV) / Y

where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

4) The owner or operator may accelerate payments into the trust fund or it may deposit the full amount of the current closure cost estimate at the time the fund is established. However, it must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in paragraph (a)(3).

5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this section or in 35 Ill. Adm. Code 725.243, its first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this paragraph and 35 Ill. Adm. Code 725.243, as applicable.

6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this section to cover the difference.

7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.

8) If an owner or operator substitutes other financial assurance as specified in this section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in paragraphs (a)(7) or (8), the Agency will instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) After beginning final closure, an owner or operator or any other person authorized to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for closure activities, the Agency will determine whether the closure expenditures are in accordance with the closure plan or otherwise justified, and if so, it will instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing. If the Agency has reason to believe that the cost of closure will be significantly greater than the value of the trust fund, it may withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with paragraph (i), that the owner or operator is no longer required to maintain financial assurance for closure.

11) The Agency will agree to termination of the trust when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

b) Surety bond guaranteeing payment into a closure trust fund.

1) An owner or operator may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of this paragraph and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(b).

3) The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in paragraph (a) except that:

A) An originally signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

i) Payments into the trust fund as specified in paragraph (a);

ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.151(a)) to show current closure cost estimates;

iii) Annual valuations as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or

B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or

C) Provide alternate financial assurance as specified in this section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in paragraph (g).

7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidence by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this section.

c) Surety bond guaranteeing performance of closure.

1) An owner or operator may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of this paragraph and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(c).

3) The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in paragraph (a), except that:

A) An originally signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

i) Payments into the trust fund as specified in paragraph (a);

ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.151(a)) to show current closure cost estimates;

iii) Annual valuations as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

A) Perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or

B) Provide alternate financial assurance as specified in this section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination pursuant to Section 3008 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.

6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.

7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the

increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this section. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency will provide such written consent when:

   A) An owner or operator substitutes alternate financial assurance as specified in this section; or

   B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

10) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

d) Closure letter of credit.

1) An owner or operator may satisfy the requirements of this section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this paragraph and submitting the letter to the Agency. An owner or operator of a new facility must submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

2) The wording of the letter of credit must be identical to the wording specified in 40 CFR 264.151(d).

3) An owner or operator who uses a letter of credit to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in paragraph (a), except that:

   A) An originally signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

   B) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

      i) Payments into the trust fund as specified in paragraph (a);

      ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.151(a)) to show current closure cost estimates;

      iii) Annual valuations as required by the trust agreement; and

      iv) Notices of nonpayment as required by the trust agreement.

4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in paragraph (g).

7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Following a determination pursuant to Section 3008 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the Agency may draw on the letter of credit.

9) If the owner or operator does not establish alternate financial assurance as specified in this section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency will draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this section and obtain written approval of such assurance from the Agency.

10) The Agency will return the letter of credit to the issuing institution for termination when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

e) Closure insurance.

1) An owner or operator may satisfy the requirements of this section by obtaining closure insurance which conforms to the requirements of this paragraph and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility must submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

2) The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.151(e).

3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in paragraph (g). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.

5) After beginning final closure, an owner or operator or any other person authorized to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for closure activities, the Agency will determine whether the closure expenditures are in accordance with the closure plan or otherwise justified, and if so, will instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing. If the Agency has reason to believe that the cost of closure will be significantly greater than the face amount of the policy, it may withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with paragraph (i), that the owner or operator is no longer required to maintain financial assurance for closure of the facility.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in paragraph (e)(10). Failure to pay the premium, without substitution of alternate financial assurance as specified in this section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

A) The Agency deems the facility abandoned; or

B) The permit is terminated or revoked or a new permit is denied; or

C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

10) The Agency will give written consent to the owner or operator that it may terminate the insurance policy when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

f) Financial test and corporate guarantee for closure.

1) An owner or operator may satisfy the requirements of this section by demonstrating that it passes a financial test as specified in this paragraph. To pass this test the owner or operator must meet the criteria of either paragraph (f)(1)(A) or (f)(1)(B):

A) The owner or operator must have:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and

ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates; and

iii) Tangible net worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and postclosure cost estimates.

B) The owner or operator must have:

i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and

ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates; and

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

2) The phrase "current closure and post-closure cost estimates" as used in paragraph (f)(1) refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)).

3) To demonstrate that it meets this test, the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 40 CFR 264.151(f); and

B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

i) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

4) An owner or operator of a new facility must submit the items specified in paragraph (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

5) After the initial submission of items specified in paragraph (f)(3), the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in paragraph (f)(3).

6) If the owner or operator no longer meets requirements of paragraph (f)(1) it must s notice to the Agency of intent to establish alternate financial assurance as specified in this section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of paragraph (f)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (f)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no

longer meets the requirements of paragraph (f)(1), the owner or operator must provide altern financial assurance as specified in this sec within 30 days after notification of such a finding.

8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see paragraph (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency will evaluate other qualifications on an individual basis. The owner or operator must provide alternate financial assurance as specified in this section within 30 days after notification of the disallowance.

9) The owner or operator is no longer required to submit the items specified in paragraph (f)(3) when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

10) An owner or operator may meet the requirements of this section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor must be the parent corporation of the

owner or operator. The guarantor must meet the requirements for owners or operators in paragraphs (f)(1) through (f)(8), must comply with the terms of the corporate guarantee and the wording of the corporate guarantee must be identical to the wording specified in 40 CFR 264.151(h). The corporate guarantee must accompany the items sent to the Agency as specified in paragraph (f)(3). The terms of the corporate guarantee must provide that:

A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in paragraph (a) in the name of the owner or operator.

B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

C) If the owner or operator fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in paragraphs (a), (b), (d) and (e), respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this section to meet the requirements of this section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

i) Release of the owner or operator from the requirements of this section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that closure has been accomplished in accordance with the closure plan, the Agency will notify the owner or operator in writing that it is no longer required by this section to maintain financial assurance for closure of the particular facility, unless the Agency has reason to believe that closure has not been in accordance with the closure plan.

j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board Ill. Adm. Code 702.184(e)(3):

1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;

2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

**Section 724.244 Cost Estimate for Post-closure Care**

a) The owner or operator of a facility subject to post-closure monitoring or maintenance requirements must have a written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in Sections 724.217 through 724.220, 724.328, 724.358, 724.380 and 724.410. The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Subpart G.

b) During the operating life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within 30 days after each anniversary of the date on which the first post-closure cost estimate was prepared. The adjustment must be made as specified in paragraphs (b)(1) and (b)(2) using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1) The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

c) The owner or operator must revise the post-closure cost estimate during the operating life of the facility whenever a change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in Section 724.244(b).

d) The owner or operator must keep the following at the facility during the operating life of the facility: The latest post-closure cost estimate prepared in accordance with Section 724.244(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.244(b), the latest adjusted post-closure cost estimate.

**Section 724.245 Financial Assurance For Post-closure Care**

An owner or operator of a facility subject to post-closure monitoring or maintenance requirements must establish

financial assurance for post-closure care in accordance with the approved post-closure plan for the facility. It must choose from the following options:

a) Post-closure trust fund.

1) An owner or operator may satisfy the requirements of this section by establishing a post-closure trust fund which conforms to the requirements of this paragraph and submitting an originally signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

2) The wording of the trust agreement must be identical to the wording specified in 40 CFR 264.151(a)(1) and the trust agreement must be accompanied by a formal certification of acknowledgment (for example, see 40 CFR 264.151(a)(2)). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the post-closure trust fund must be made as follows:

A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current post-closure cost estimate, except as provided in paragraph (g), divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next payment} = (CE - CV) / Y$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

B) If an owner or operator establishes a trust fund as specified in 35 Ill. Adm. Code 725.245(a) and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in paragraph (a)(3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by this formula:

$$\text{Next payment} = (CE - CV) / Y$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

4) The owner or operator may accelerate payments into the trust fund or it may deposit the full amount of the current post-closure cost estimate at the time the fund is established. However, it must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in paragraph (a)(3).

5) If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this section or in 35 Ill. Adm. Code 725.245, its first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this paragraph and 35 Ill. Adm. Code 725.245, as applicable.

6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance as specified in this section to cover the difference.

7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.

8) If an owner or operator substitutes other financial assurance as specified in this section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from owner or operator for release of funds as specified in paragraphs (a)(7) or (8), the Agency will instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) During the period of post-closure care, the Agency may approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.

11) An owner or operator or any other person authorized to perform post-closure may request reimbursement for post-closure expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency will determine whether the post-closure expenditures are in accordance with the post-closure plan or otherwise justified, and if so, it will instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing.

12) The Agency will agree to termination of the trust when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

b) Surety bond guaranteeing payment into a post-closure trust fund.

1) An owner or operator may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of this paragraph and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(b).

3) The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in paragraph (a), except that:

A) An originally signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

i) Payments into the trust fund as specified in paragraph (a);

ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.151(a)) to show current post-closure cost estimates;

iii) Annual valuations as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or

B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or

C) Provide alternate financial assurance as specified in this section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in paragraph (g).

7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this section to cover the increase.

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

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidence by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this section.

c) Surety bond guaranteeing performance of post-closure care.

1) An owner or operator may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of this paragraph and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(c).

3) The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in paragraph (a), except that:

A) An originally signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

i) Payments into the trust fund as specified in paragraph (a);

ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.151(a)) to show current post-closure cost estimates;

iii) Annual valuations as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

A) Perform final post-closure care in accordance with the post-closure plan and other requirements of the permit for the facility; or

B) Provide alternate financial assurance as specified in this section, and obtain the Agency's written approval of the assurance provided, within 90 days of receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination pursuant to Section 3008 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act that the owner or operator has failed to perform post-closure care in accordance with the post-closure plan and other permit requirements, under the terms of the bond the surety will perform post-closure care in accordance with post-closure plan and other permit requirements or will deposit the amount of the penal sum into the standby trust fund.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate.

7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this section. Whenever the current closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency may approve a decrease in the penal sum if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

10) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency will provide such written consent when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

11) The surety will not be liable for deficiencies in the performance of post-closure care by the owner or operator after the Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

d) Post-closure letter of credit.

1) An owner or operator may satisfy the requirements of this section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this paragraph and submitting the letter to the Agency. An owner or operator of a new facility must submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

2) The wording of the letter of credit must be identical to the wording specified in 40 CFR 264.151(d).

3) An owner or operator who uses a letter of credit to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in paragraph (a), except that:

A) An originally signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

i) Payments into the trust fund as specified in paragraph (a);

ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.151(a)) to show current post-closure cost estimates;

iii) Annual valuations as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in paragraph (g).

7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency may approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Following a determination pursuant to Section 3008 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act that the owner or operator has failed to perform post-closure care in accordance with the post-closure plan and other permit requirements, the Agency may draw on the letter of credit.

10) If the owner or operator does not establish alternate financial assurance as specified in this section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency will draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this section and obtain written approval of such assurance from the Agency.

11) The Agency will return the letter of credit to the issuing institution for termination when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

e) Post-closure insurance.

1) An owner or operator may satisfy the requirements of this section by obtaining post-closure insurance which conforms to the requirements of this paragraph and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility must submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.151(e).

3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in paragraph (g). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.

5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency will determine whether the post-closure expenditures are in accordance with the post-closure plan or otherwise justified, and if so, will instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in paragraph (e)(11). Failure to pay the premium, without substitution of alternate financial assurance as specified in this section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

A) The Agency deems the facility abandoned; or

B) The permit is terminated or revoked or a new permit is denied; or

C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer will thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.

11) The Agency will give written consent to the owner or operator that it may terminate the insurance policy when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

f) Financial test and corporate guarantee for post-closure care.

1) An owner or operator may satisfy the requirements of this section by demonstrating that it passes a financial test as specified in this paragraph. To pass this test the owner or operator must meet the criteria of either paragraph (f)(1)(A) or (f)(1)(B):

A) The owner or operator must have:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and

ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates; and

iii) Tangible net worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

B) The owner or operator must have:

i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and

ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates; and

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

2) The phrase "current closure and post-closure cost estimates" as used in paragraph (f)(1) refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)).

3) To demonstrate that it meets this test, the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 40 CFR 264.151(f); and

B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

i) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial

statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

4) An owner or operator of a new facility must submit the items specified in paragraph (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for disposal.

5) After the initial submission of items specified in paragraph (f)(3), the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in paragraph (f)(3).

6) If the owner or operator no longer meets the requirements of paragraph (f)(1), it must send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of paragraph (f)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (f)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of paragraph (f)(1), the owner or operator must provide alternate financial assurance as specified in this section within 30 days after notification of such a finding.

8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see paragraph (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency will evaluate other qualifications on an individual basis. The owner or operator must provide alternate financial assurance as specified in this section within 30 days after notification of the disallowance.

9) During the period of post-closure care, the Agency may approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.

10) The owner or operator is no longer required to submit the items specified in paragraph (f)(3) when:

A) An owner or operator substitutes alternate financial assurance as specified in this section; or

B) The Agency releases the owner or operator from the requirements of this section in accordance with paragraph (i).

11) An owner or operator may meet the requirements of this section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor must be the parent corporation of the owner or operator. The guarantor must meet the requirements for owners or operators in paragraphs (f)(1) through (f)(9), must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording specified in 40 CFR 264.151(h). The corporate guarantee must accompany the items sent to the Agency as specified in paragraph (f)(3). The terms of the corporate guarantee must provide that:

A) If the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in paragraph (a) in the name of the owner or operator.

B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

C) If the owner or operator fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.

g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in paragraphs (a), (b), (d) and (e), respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.

h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this section to meet the requirements of this section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for post-closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of

the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

i) Release of the owner or operator from the requirements of this section. When an owner or operator has completed, to the satisfaction of the Agency, all post-closure care requirements in accordance with the post-closure plan, the Agency will, at the request of the owner or operator, notify it in writing that it is no longer required by this section to maintain financial assurance for post-closure care of the particular facility.

j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board [35 Ill. Adm. Code 702.184(e)(3)]:

1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;

2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

**Section 724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care**

An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test or corporate guarantee that meets the specifications for the mechanism in both Sections 724.243 and 724.245. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care.

**Section 724.247 Liability Requirements**

a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in paragraphs (a)(1), (a)(2) and (a)(3):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(i). The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.151(j). The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may meet the requirements of this section by passing a financial test for liability coverage as specified in paragraph (f).

3) An owner or operator may demonstrate the required liability coverage through use of both the financial test and insurance as these mechanisms are specified in this Section. The amounts of coverage demonstrated must total at least the minimum amounts required by this paragraph.

b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least $3 million per occurrence with an annual aggregate of at least $6 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in paragraphs (b)(1), (b)(2), and (b)(3):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidence by a Certificate of Liability Insurance. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(i). The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.151(j). The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer in one or more states.

2) An owner or operator may meet the requirements of this Section by passing a financial test for liability coverage as specified in paragraph (f).

3) An owner or operator may demonstrate the required liability coverage through use of both the financial test and insurance as these mechanisms are specified in this Section. The amounts of coverage must total at least the minimum amounts required by this paragraph.

4) For existing facilities, the required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates listed below. The total sales or revenues of the owner or operator in all lines of business, in the fiscal year preceding the effective date of these regulations, will determine which of the dates applies. If the owner and operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues will determine the date by which the coverage must be demonstrated. The dates are as follows:

A) For an owner or operator with sales or revenues totalling $10 million or more, January 15, 1983.

B) For an owner or operator with sales or revenues greater than $5 million but less than $10 million, January 15, 1984.

C) All other owners or operators, January 15, 1985.

c) Request for adjusted level of required liability coverage. If an owner or operator can demonstrate to the satisfaction of the Agency that the levels of financial responsibility required by paragraphs (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the procedures for permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is deemed necessary by the Agency to determine a level of financial responsibility other than that required by paragraph (a) or (b). Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by paragraph (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency may adjust the level of financial responsibility required under paragraph (a) or (b) as may be necessary to protect human health and the environment. This adjusted level will be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, it may require that an owner or operator of the facility comply with paragraph (b). An owner or operator must furnish to the Agency, within a reasonable time, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this section until certifications of closure of the facility, as specified in Section 724.215, are received by the Agency.

f) Financial test for liability coverage.

1) An owner or operator may satisfy the requirements of this section by demonstrating that it passes a financial test as specified in this paragraph. To pass this test the owner or operator must meet the criteria of paragraph (f)(1)(A) or (f)(1)(B):

A) The owner or operator must have:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and

ii) Tangible net worth of at least $10 million; and

iii) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

B) The owner or operator must have:

i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and

ii) Tangible net worth of at least $10 million; and

iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and

iv) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

2) The phrase "amount of liability coverage" as used in paragraph (f)(1) refers to the annual aggregate amounts for which coverage is required under paragraphs (a) and (b).

3) To demonstrate that it meets this test, the owner or operator must submit the following three items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 40 CFR 264.151(g). If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f), 724.245(f),

725.243(e) and 725.245(e), and liability coverage, it must submit the letter specified in 40 CFR 264.151(g) to cover both forms of financial responsibility; a separate letter as specified in 40 CFR 264.151(f) is not required.

B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

i) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

4) An owner or operator of a new facility must submit the items specified in paragraph (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

5) After the initial submission of items specified in paragraph (f)(3), the owner of operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in paragraph (f)(3).

6) If the owner or operator no longer meets the requirements of paragraph (f)(1), it must obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see paragraph (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency will evaluate other qualifications on an individual basis. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage as specified in this section within 30 days after notification of disallowance.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions**

a) An owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy) naming the owners or operators as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in Sections 724.243(f) and 724.245(f) must make such a notification if he is named as a debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

b) An owner or operator who fulfills the requirements of Sections 724.243, 724.245 or 724.247 by obtaining a trust fund, surety bond, letter of credit or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

**Section 724.251 Wording of the Instruments**

The Board incorporates by reference 40 CFR 264.151. The Agency will promulgate standardized forms based on 40 CFR 264.151 with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart shall do so only upon the standardized forms promulgated by the Agency. The Agency may reject any financial assurance document which is not submitted on such standardized forms.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

**Section 724.270 Applicability**

The regulations in this Subpart apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as Section 724.101 provides otherwise.

(Board Note: Under Sections 721.107 and 721.133(c), if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in Section 721.107. In that event, management of the container is exempt from the requirements of this Subpart.)

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.271 Condition of Containers**

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Part.

**Section 724.272 Compatibility of Waste With Container**

The owner or operator must use a container made of or lined with materials which 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.

**Section 724.273 Management of Containers**

a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

b) A container holding hazardous waste must not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

(Board Note: Reuse of containers in transportation is governed by U.S. Department of Transportation regulations including those set forth in 49 CFR 173.28.)

**Section 724.274 Inspections**

At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

(Board Note: See Sections 724.115(c) and 724.271 for remedial action required if deterioration or leaks are detected.)

**Section 724.275 Containment**

a) Container storage areas must have a containment system that is designed and operated in accordance with paragraph (b), except as otherwise provided by paragraph (c).

b) A containment system must be designed and operated as follows:

1) A base must underlay the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed.

2) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

3) The containment system must have sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;

4) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in paragraph (b)(3) to contain any run-on which might enter the system; and

5) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

(Board Note: If the collected material is a hazardous waste, it must be managed as a hazardous waste in accordance with all applicable requirements. If the collected material is discharged through a point source to waters of the State, it is subject to the National Pollution Discharge Elimination System (NPDES) permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.102.)

c) Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by paragraph (b), provided that:

1) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or

2) The containers are elevated or are otherwise protected from contact with accumulated liquid.

**Section 724.276 Special Requirements for Ignitable or Reactive Waste**

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

(Board Note: See Section 724.117(a) for additional requirements.)

**Section 724.277 Special Requirements for Incompatible Wastes**

a) Incompatible wastes, or incompatible wastes and materials (see Appendix E for examples), must not be placed in the same container, unless Section 724.117(b) is complied with.

b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(Board Note: As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.277. Also Section 724.117(c) requires waste analyses, trial tests or other documentation to assure compliance with Section 724.117(b). As required by Section 724.173, the owner or operator must place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.)

c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.

(Board Note: The purpose of this Section is to prevent fires, explosions, gaseous emission, leaching or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.)

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.278 Closure**

At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed.

(Board Note: At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725.)

## SUBPART J: TANKS

**Section 724.290 Applicability**

a) The regulations in this Subpart apply to owners and operators of facilities that use tanks to treat or store hazardous waste, except as Section 724.101 and paragraph (b) provide otherwise;

b) The regulations in this Subpart do not apply to facilities that treat or store hazardous waste in covered underground tanks that cannot be entered for inspection.

**Section 724.291 Design of Tanks**

Tanks must have sufficient shell strength and, for closed tanks, pressure controls (e.g., vents) to assure that they do not collapse or rupture. The Agency will review the design of the tanks, including the foundation, structural support, seams and pressure controls. The Agency shall require that a minimum shell thickness be maintained at all times to ensure sufficient shell strength. Factors to be considered in establishing minimum thickness include the width, height and materials of construction of the tank, and the specific gravity of the waste which will be placed in the tank. In reviewing the design of the tank and establishing a minimum thickness, the Agency shall rely upon appropriate industrial design standards and other available information.

**Section 724.292 General Operating Requirements**

a) Wastes and other materials (e.g., treatment reagents) which are incompatible with the construction material of the tank must not be placed in the tank unless the tank is protected from accelerated corrosion, erosion or abrasion through the use of:

   1) An inner lining or coating which is compatible with the waste or material and which is free of leaks, cracks, holes or other deterioration; or

   2) Alternative means of protection (e.g., cathodic protection or corrosion inhibitors).

b) The owner or operator must use appropriate controls and practices to prevent overfilling. This must include:

   1) Controls to prevent overfilling (e.g., waste feed cut-off system or by-pass system to a standby tank); and

   2) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action, or by precipitation.

**Section 724.294 Inspections**

a) The owner or operator must inspect:

   1) Overfilling control equipment (e.g., waste feed cut-off systems and by-pass systems) at least once each operating day to ensure that it is in good working order;

   2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) where present, at least once each operating day to ensure that the tank is being operated according to its design;

   3) For uncovered tanks, the level of waste in the tank, at least once each operating day, to ensure compliance with Section 724.292(b)(2);

   4) The construction materials of the above-ground portions of the tank, at least weekly to detect corrosion or erosion and leaking of fixtures and seams; and

   5) The area immediately surrounding the tank, at least weekly, to detect obvious signs of leakage (e.g., wet spots or dead vegetation).

b) As part of the inspection schedule required in Section 724.115(b) and in addition to the specific requirements of paragraph (a), the owner or operator must develop a schedule and procedure for assessing the condition of the tank. The schedule and procedure must be adequate to detect cracks, leaks, corrosion or erosion which may lead to cracks or leaks, or wall thinning to less than the thickness required under Section 724.291. Procedures for emptying a tank to allow entry and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections and the characteristics of the waste being treated or stored.

c) As part of the contingency plan required under Subpart D, the owner or operator must specify the procedures for use to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

   (Board Note: As required in Section 724.115(c), the owner or operator must remedy any leak, crack or wall thinning in violation of Section 724.291, or equipment or process malfunction in violation of Section 724.291, or equipment or process malfunction in violation of Section 724.292, which are discovered during inspection. See 29 CFR 1910.94(d)(11) for Occupational Safety and Health Administration requirements relating to entry of tanks for inspection.)

**Section 724.297 Closure**

At closure, all hazardous waste and hazardous waste residues must be removed from tanks, discharge control equipment and discharge confinement structures.

(Board Note: At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that the solid waste removed from a tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725.)

**Section 724.298 Special Requirements for Ignitable or Reactive Waste**

a) Ignitable or reactive waste must not be placed in a tank unless:

   1) The waste is treated, rendered or mixed before or immediately after placement in the tank so that:

      A) 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

      B) Section 724.117(b) is complied with; or

   2) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

   3) The tank is used solely for emergencies.

b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in lables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see 35 Ill. Adm. Code 720.111).

**Section 724.299 Special Requirements for Incompatible Wastes**

a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless Section 724.117(b) is complied with.

b) Hazardous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless Section 724.117(b) is complied with.

(Board Note: As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.299. Also, Section 724.117(c) requires waste analyses, trial tests or other documentation to ensure compliance with Section 724.117(b). As required by Section 724.173, the owner or operator must place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.)

## SUBPART K: SURFACE IMPOUNDMENTS

### Section 724.320 Applicability

The regulations in this Subpart apply to owners and operators of facilities that use surface impoundments to treat, store or dispose of hazardous waste except as Section 724.101 provides otherwise.

### Section 724.321 Design and Operating Requirements

a) A surface impoundment (except for an existing portion of a surface impoundment) must have a liner that is designed, constructed and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with Section 724.328(a)(1). For impoundments that will be closed in accordance with Section 724.328(a)(2), the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be:

1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;

2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.

b) The owner or operator will be exempted from the requirements of paragraph (a) if the Board finds, based on a demonstration by the owner or operator, in a variance and/or site-specific rulemaking, that alternate design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an exemption, the Board will consider:

1) The nature and quantity of the wastes;

2) The proposed alternate design and operation;

3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

c) A surface impoundment must be designed, constructed, maintained and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms and other equipment; and human error.

d) A surface impoundment must have dikes that are designed, constructed and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

e) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

### Section 724.322 Double-lined Surface Impoundments: Exemption from Subpart F: Groundwater Protection Requirements

a) The owner or operator of a double-lined surface impoundment is not subject to regulation under Subpart F if the following conditions are met:

1) The impoundment (including its underlying liners) must be located entirely above the seasonal high water table.

2) The impoundment must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of Section 724.321(a).

3) A leak detection system must be designed, constructed, maintained and operated between the liners to detect any migration of liquids into the space between the liners.

b) If liquid leaks into the leak detection system, the owner or operator must:

1) Notify the Agency of the leak in writing within seven days after detecting the leak; and

2)

A) Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

B) If a detection monitoring program pursuant to Section 724.198 has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of Subpart F within a period of time specified in the permit.

c) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

**Section 724.326 Monitoring and Inspection**

a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from Section 724.321(a))and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots or foreign materials). Immediately after construction or installation:

1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures and blisters; and

2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes or other structural non-uniformities that may cause an increase in the permeability of that liner or cover.

b) While a surface impoundment is in operation it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions or improper operation of overtopping control systems;

2) Sudden drops in the level of the impoundment's contents;

3) The presence of liquids in leak detection systems, where installed to comply with Section 724.322; or

4) Severe erosion or other signs of deterioration in dikes or other containment devices.

c) Prior to the issuance of a permit, and after any extended period of time (more than six months) during which the impoundment was not in service, the owner or operatormust obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the dike:

1) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

2) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

**Section 724.327 Emergency Repairs; Contingency Plans**

a) A surface impoundment must be removed from service in accordance with paragraph (b) when:

1) The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment; or

2) The dike leaks.

b) When a surface impoundment must be removed from service as required by paragraph (a), the owner or operator must:

1) Immediately shut off the flow or stop the addition of wastes into the impoundment;

2) Immediately contain any surface leakage which has occurred or is occurring;

3) Immediately stop the leak;

4) Take any other necessary steps to stop or prevent catastrophic failure;

5) If a leak cannot be stopped by any other means, empty the impoundment; and

6) Notify the Agency of the problem in writing within seven days after detecting the problem.

c) As part of the contingency plan required in Subpart D, the owner or operator must specify a procedure for complying with the requirements of paragraph (b).

d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:

1) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be recertified in accordance with Section 724.326(c).

2) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:

A) For any existing portion of the impoundment, a liner must be installed in compliance with Sections 724.321(a) or 724.322; and

B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

e) A surface impoundment that has been removed from service in accordance with the requirements of this section and that is not being repaired must be closed in accordance with the provisions of Section 724.328.

**Section 724.328 Closure and Post-closure Care**

a) At closure, the owner or operator must:

1) Remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies; or

2)

A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

B) Stablilize remaining wastes to a bearing capacity sufficient to support final cover; and

C) Cover the surface impoundment with a final cover designed and constructed to:

i) Provide long-term minimization of the migration of liquids through the closed impoundment;

ii) Function with minimum maintenance;

iii) Promote drainage and minimize erosion or abrasion of the final cover;

iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

b) If some waste residues or contaminated materials are left in place at final closure, the owner or operator must comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator must:

1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion or other events;

2) Maintain and monitor the leak detection system in accordance with Section 724.322, where such a system is present between double liner systems;

3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F; and

4) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

c)

1) If an owner or operator plans to close a surface impoundment in accordance with paragraph (a)(1), and the impoundment does not comply with the liner requirements of Section 724.321(a) and is not exempt from them in accordance with Section 724.321(b), then:

A) The closure plan for the impoundment under Section 724.212 must include both a plan for complying with paragraph (a)(1) and a contingent plan for complying with paragraph (a)(2) in case not all contaminated subsoils can be practicably removed at closure; and

B) The owner or operator must prepare a contingent post-closure plan under Section 724.218 for complying with paragraph (b) in case not all contaminated subsoils can be practicably removed at closure.

2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of an impoundment subject to this paragraph must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under paragraph (a)(1).

d) During the post-closure care period, if liquids leak into a leak detection system installed under Section 724.322, the owner or operator must notify the Agency of the leak in writing within seven days after detecting the leak. The Agency will modify the permit to require compliance with the requirements of Subpart F.

**Section 724.329 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive waste must not be placed in a surface impoundment, unless:

a) The waste is treated, rendered or mixed before or immediately after placement in the impoundment so that:

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with; or

b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

c) The surface impoundment is used solely for emergencies.

**Section 724.330 Special Requirements for Incompatible Wastes**

Incompatible wastes, or incompatible wastes and materials, (see Appendix E for examples) must not be placed in the same surface impoundment, unless Section 724.117(b) is complied with.

## SUBPART L: WASTE PILES

**Section 724.350 Applicability**

a) The regulations in this Subpart apply to owners and operators of facilities that store or treat hazardous waste in piles, except as Section 724.101 provides otherwise.

b) The regulations in this Subpart do not apply to owners or operators of waste piles that are closed with wastes left in place. Such waste piles are subject to regulation under Subpart N (Landfills).

c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under Section 724.351 or under Subpart F (Groundwater Protection), provided that:

1) Liquids or materials containing free liquids are not placed in the pile;

2) The pile is protected from surface water run-on by the structure or in some other manner;

3) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and

4) The pile will not generate leachate through decomposition or other reactions.

**Section 724.351 Design and Operating Requirements**

a) A waste pile (except for an existing portion of a waste pile) must have:

1) A liner that is designed, constructed and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility. The liner must be:

A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to

pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;

B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained and operated to collect and remove leachate from the pile. The Agency will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

A) Constructed of materials that are:

i) Chemically resistent to the waste managed in the pile and the leachate expected to be generated; and

ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and by any equipment used at the pile; and

B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

b) The owner or operator will be exempted from the requirements of paragraph (a) if the Board finds, based on a demonstration by the owner or operator, in a variance and/or site-specific rulemaking, that alternate design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an exemption, the Board will consider:

1) The nature and quantity of the wastes;

2) The proposed alternate design and operation;

3) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and groundwater or surface water; and

4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

c) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.

d) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

e) Collection and holding facilities (e.g. tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

f) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

g) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

**Section 724.352 Double-lined Piles: Exemption from Subpart F: Groundwater Protection Requirements**

a) The owner or operator of a double-lined waste pile is not subject to regulation under Subpart F if the following conditions are met:

1) The pile (including its underlying liners) must be located entirely above the seasonal high water table.

2) The pile must be underlain by two liners which are designed and constructed in a manner that prever the migration of liquids into or out of the spa between the liners. Both liners must meet all the specifications of Section 724.351(a)(1).

3) A leak detection system must be designed, constructed, maintained and operated between the liners to detect any migration of liquids into the space between the liners.

4) The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained and operated in accordance with Section 724.351(a)(2).

b) If liquid leaks into the leak detection system, the owner or operator must:

1) Notify the Agency of the leak in writing within seven days after detecting the leak; and

2)

A) Within a period of time specified in the perm remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

B) If a detection monitoring program pursuant to Section 724.198 has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of Subpart F within a period of time specified in the permit.

c) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

**Section 724.353 Inspection of Liners: Exemption from Subpart F: Groundwater Protection Requirements**

a) The owner or operator of a pile is not subject to regulation under Subpart F if the following conditions are met:

1) The pile (including its underlying liner) must be located entirely above the seasonal high water table.

2) The pile must be underlain by a liner (base) that

meets all the specifications of Section 724.351(a)(1).

3) The wastes in the pile must be removed periodically, and the liner must be inspected for deterioration, cracks or other conditions that may result in leaks. The frequency of inspection will be specified in the inspection plan required in Section 724.115 and must be based on the potential for the liner (base) to crack or otherwise deteriorate under the conditions of operation (e.g., waste type, rainfall, loading rates and subsurface stability).

4) The liner must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing or other physical damage from equipment used to place waste in or on the pile or to clean and expose the liner surface for inspection.

5) The pile must have a leachate collection and removal system above the liner that is designed, constructed, maintained and operated in accordance with Section 724.351(a)(2).

b) If deterioration, a crack or other condition is identified that is causing or could cause a leak, the owner or operator must:

1) Notify the Agency of the condition in writing within seven days after detecting the condition; and

2)

A) Repair or replace the liner (base) and obtain a certification from a qualified engineer that, to the best of his or her knowledge and opinion, the liner (base) has been repaired and leakage will not occur; or

B) If a detection monitoring program pursuant to Section 724.198 has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of Subpart F within a period of time specified in the permit.

c) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

**Section 724.354 Monitoring and Inspection**

a) During construction or installation, liners (except in the case of existing portions of piles exempt from Section 724.351(a)) and cover systems (e.g., membranes, sheets or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots or foreign materials). Immediately after construction or installation:

1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures and blisters; and

2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions or improper operation of run-on and run-off control systems;

2) The presence of liquids in leak detection systems, where installed to comply with Section 724.352;

3) Proper functioning of wind dispersal control systems, where present; or

4) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.

**Section 724.356 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive waste must not be placed in a waste pile unless:

a) The waste is treated, rendered or mixed before or immediately after placement in the pile so that:

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with; or

b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

**Section 724.357 Special Requirements for Incompatible Wastes**

a) Incompatible wastes, or incompatible wastes and materials, (see Appendix E for examples) must not be placed in the same pile, unless Section 724.117(b) is complied with.

b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in containers, other piles, open tanks or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall or other device.

c) Hazardous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with Section 724.117(b).

**Section 724.358 Closure and Post-closure Care**

a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc), contaminated subsoils and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. 721.103(d) applies.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures and equipment as required in paragraph (a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, it must close the facility and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 724.410).

c)

1) The owner or operator of a waste pile that does not comply with the liner requirements of Section 724.351(a)(1), and is not exempt from them in accordance with Sections 724.350(c) or 724.351(b), must:

A) Include in the closure plan for the pile under Section 724.212 both a plan for complying with paragraph (a) and a contingent plan for complying with paragraph (b) in case not all contaminated subsoils can be practicably removed at closure; and

B) Prepare a contingent post-closure plan under Section 724.218 for complying with paragraph (b) in case not all contaminated subsoils can be practicably removed at closure.

2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of a pile subject to this paragraph must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under paragraph (a).

## SUBPART M: LAND TREATMENT

### Section 724.370 Applicability

The regulations in this Subpart apply to owners and operators of facilities that treat or dispose of hazardous waste in land treatment units, except as Section 724.101 provides otherwise.

### Section 724.371 Treatment Program

a) An owner or operator subject to this Subpart must establish a land treatment program that is designed to ensure that hazardous constituents placed in or on the treatment zone are degraded, transformed or immobilized within the treatment zone. The Agency will specify in the facility permit the elements of the treatment program, including:

1) The wastes that are capable of being treated at the unit based on a demonstration under Section 724.372.

2) Design measures and operating practices necessary to maximize the success of degradation, transformation and immobilization processes in the treatment zone in accordance with Section 724.373(a); and

3) Unsaturated zone monitoring provisions meeting the requirements of Section 724.378.

b) The Agency will specify in the facility permit the hazardous constituents that must be degraded, transformed or immobilized under this Subpart. Hazardous constituents are constituents identified in 35 Ill. Adm. Code 721, Appendix H that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

c) The Agency will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below and including the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation or immobilization of hazardous constituents. The maximum depth of the treatment zone must be:

1) No more than 1.5 meters (5 feet) from the initial soil surface; and

2) More than 1 meter (3 feet) above the seasonal high water table.

### Section 724.372 Treatment Demonstration

a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, the hazardous constituents in the waste can be completely degraded, transformed or immobilized in the treatment zone.

b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under paragraph (a), it must obtain a treatment or disposal permit under 35 Ill. Adm. Code 703.230. The Agency will specify in this permit the testing, analytical, design and operating requirements (including the duration of the tests and analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure and clean-up activities) necessary to meet the requirements in paragraph (c).

c) Any field test or laboratory analysis conducted in ord to make a demonstration under paragraph (a) must:

1) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

A) The characteristics of the waste (including the presence of 35 Ill. Adm. Code 721, Appendix H constituents):

B) The climate in the area;

C) The topography of the surrounding area;

D) The characteristics of the soil in the treatment zone (including depth); and

E) The operating practices to be used at the unit.

2) Be likely to show that hazardous constituents in the waste to be tested will be completely degraded transformed or immobilized in the treatment zo of the proposed land treatment unit; and

3) Be conducted in a manner that protects human health and the environment considering:

A) The characteristics of the waste to be tested;

B) The operating and monitoring measures taken during the course of the test;

C) The duration of the test;

D) The volume of waste used in the test;

E) In the case of field tests, the potential for migration of hazardous constituents to ground water or surface water.

### Section 724.373 Design and Operating Requirements

The Agency will specify in the facility permit how the owner or operator will design, construct, operate and maintain the land treatment unit in compliance with this section.

a) The owner or operator must design, construct, operate and maintain the unit to maximize the degradation, transformation and immobilization of hazardous constituents in the treatment zone. The owner or operator must design, construct, operate and maintain

the unit in accord with all design and operating conditions that were used in the treatment demonstration under Section 724.372. At a minimum, the Agency will specify the following in the facility permit:

1) The rate and method of waste application to the treatment zone;

2) Measures to control soil pH;

3) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling); and

4) Measures to control the moisture content of the treatment zone.

b) The owner or operator must design, construct, operate and maintain the treatment zone to minimize run-off of hazardous constituents during the active life of the land treatment unit.

c) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a 25-year storm.

d) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must manage the unit to control wind dispersal.

g) The owner or operator must inspect the unit weekly and after storms to detect evidence of:

1) Deterioration, malfunctions or improper operation of run-on and run-off control systems; and

2) Improper functioning of wind dispersal control measures.

**Section 724.376 Food-chain Crops**

The Agency may allow the growth of food-chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this section. The Agency will specify in the facility permit the specific food-chain crops which may be grown.

a)

1) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that hazardous constituents other than cadmium:

A) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food-chain animals (e.g., by grazing); or

B) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

2) The owner or operator must make the demonstration required under this paragraph prior to the planting of crops at the facility for all constituents identified in 35 Ill. Adm. Code 721, Appendix H that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

3) In making a demonstration under this paragraph, the owner or operator may use field tests, greenhouse studies, available data or, in the case of existing units, operating data, and must:

A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods and crops to be grown; and

B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods and statistical procedures.

4) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration required under this paragraph it must obtain a permit for conducting such activities.

b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone:

1)

A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land use for production of tobacco, leafy vegetables or root crops grown for human consumption. For other food-chain crops, the annual cadmium application rate must not exceed:

| Time period | Annual cadmium application rate (kg/ha) |
|---|---|
| Present to June 30, 1984 | 2.0 |
| July 1, 1984 to December 31, 1986 | 1.25 |
| Beginning January 1, 1987 | 0.5 |

C) The cumulative application of cadmium from waste must not exceed 5 kg/ha if the waste and soil mixture has a pH of less than 6.5; and

D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 50 milliequivalents per kilogram (50 meq/kg); 10 kg/ha if soil CEC is 50 to 150 meq/kg; and 20 kg/ha if soil CEC is greater than 150 meq/kg; or

2)

A) Animal feed must be the only food-chain crop produced;

B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food-chain crops are grown;

C) There must be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

D) Future property owners must be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food-chain crops must not be grown except in compliance with paragraph (b)(2).

**Section 724.378 Unsaturated Zone Monitoring**

An owner or operator subject to this Subpart must establish an unsaturated zone monitoring program to carry out the following responsibilities:

a) The owner or operator must monitor the soil and soil-pore liquid to determine whether hazardous constituents migrate out of the treatment zone.

1) The Agency will specify the hazardous constituents to be monitored in the facility permit. The hazardous constituents to be monitored are those specified under Section 724.371(b).

2) The Agency may require monitoring for principal hazardous constituents (PHCs) in lieu of the constituents specified under Section 724.371(b). PCHs are hazardous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation and immobilization. The Agency will establish PHCs if it finds, based on waste analyses, treatment demonstrations or other data, that effective degradation transformation or immobilization of the PHCs will assure treatment at at least equivalent levels for the other hazardous constituents in the wastes.

b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

1) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and

2) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

c) The owner or operator must establish a background value for each hazardous constituent to be monitored under paragraph (a). The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

1) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

2) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

3) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under paragraph (f).

4) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with paragraph (b)(1).

d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The Agency will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing and rate of waste application and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under paragraph (f).

e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

f) The owner or operator must determine whether there is a statistically significant change over background values for any hazardous constituent to be monitored under paragraph (a) below the treatment zone each time it conducts soil monitoring and soil-pore liquid monitoring under paragraph (d).

1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under paragraph (d), to the background value for that constituent according to the statistical procedure specified in the facility permit under this paragraph.

2) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The Agency will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

3) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration

from the treatment zone will be identified. The Agency will specify a statistical procedure in the facility permit that it finds:

A) Is appropriate for the distribution of the data used to establish background values; and

B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

g) If the owner or operator determines, pursuant to paragraph (f), that there is a statistically significant increase of hazardous constituents below the treatment zone, it must:

1) Notify the Agency of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases.

2) Within 90 days, submit to the Agency an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation or immobilization processes in the treatment zone.

h) If the owner or operator determines, pursuant to paragraph (f), that there is a statistically significant increase of hazardous constituents below the treatment zone, it may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under paragraph (g)(2), it is not relieved of the requirement to submit a permit modification application within the time specified in paragraph (g)(2) unless the demonstration made under this paragraph successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis or evaluation. In making a demonstration under this paragraph, the owner or operator must:

1) Notify the Agency in writing within seven days of determining a statistically significant increase below the treatment zone that the owner or operator intends to make a determination under this paragraph;

2) Within 90 days, submit a report to the Agency demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis or evaluation;

3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this section.

**Section 724.379 Recordkeeping**

The owner or operator must include hazardous waste application dates and rates in the operating record required under Section 724.173.

**Section 724.380 Closure and Post-closure Care**

a) During the closure period the owner or operator must:

1) Continue all operations (including pH control) necessary to maximize degradation, transformation or immobilization of hazardous constituents within the treatment zone as required under Section 724.373(a), except to the extent such measures are inconsistent with paragraph (a)(8).

2) Continue all operations in the treatment zone to minimize run-off of hazardous constituents as required under Section 724.373(b);

3) Maintain the run-on control system required under Section 724.373(c);

4) Maintain the run-off management system required under Section 724.373(d);

5) Control wind dispersal of hazardous waste if required under Section 724.373(f);

6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376;

7) Continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone; and

8) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation or immobilization of hazardous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

b) For the purpose of complying with Section 724.215, when closure is completed the owner or operator may submit to the Agency certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

c) During the post-closure care period the owner or operator must:

1) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents in the treatment zone to the extent that such measures are consistent with other post-closure care activities;

2) Maintain a vegetative cover over closed portions of the facility;

3) Maintain the run-on control system required under Section 724.373(c);

4) Maintain the run-off management system required under Section 724.373(d);

5) Control wind dispersal of hazardous waste if required under Section 724.373(f);

6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376; and

7) Continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone.

d) The owner or operator is not subject to regulation under paragraphs (a)(8) and (c) if the Agency finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in paragraph (d)(3). The owner or operator may submit such a demonstration to the Agency at any time during the closure or post-closure care periods. For the purposes of this paragraph:

1) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility permit under Section 724.371.

A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone.

B) The owner or operator must express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under paragraph (d)(3).

2) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively.

3) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:

A) Is appropriate for the distribution of the data used to establish background values; and

B) Provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

e) The owner or operator is not subject to regulation under Subpart F if the Agency finds that the owner or operator satisfies paragraph (d) and if unsaturated zone monitoring under Section 724.378 indicates that hazardous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

**Section 724.381 Special Requirements for Ignitable or Reactive Waste**

The owner or operator must not apply ignitable or reactive waste to the treatment zone unless:

a) The waste is immediately incorporated into the soil so that:

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with; or

b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

**Section 724.382 Special Requirements for Incompatible Wastes**

The owner or operator must not place incompatible wastes, or incompatible wastes and materials (see Appendix E for examples), in or on the same treatment zone, unless Section 724.117(b) is complied with.

## SUBPART N: LANDFILLS

**Section 724.400 Applicability**

The regulations in this Subpart apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as Section 724.101 provides otherwise.

**Section 724.401 Design and Operating Requirements**

a) A landfill (except for an existing portion of a landfill) must have:

1) A liner that is designed, constructed and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner must be:

A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;

B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained and operated to collect and remove leachate from the landfill. The Agency will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

A) Constructed of materials that are:

i) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and by any equipment used at the landfill; and

B) Designed and operated to function without clogging through the scheduled closure of the landfill.

b) The owner or operator will be exempted from the requirements of paragraph (a) if the Board finds, based on a demonstration by the owner or operator, in a variance and/or site-specific rulemaking, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an exemption, the Board will consider:

1) The nature and quantity of the wastes;

2) The proposed alternate design and operation;

3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and groundwater or surface water; and

4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

c) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

d) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

f) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

g) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

**Section 724.402 Double-lined Landfills: Exemption from Subpart F: Groundwater Protection Requirements**

a) The owner or operator of a double-lined landfill is not subject to regulation under Subpart F if the following conditions are met:

1) The landfill (including its underlying liners) must be located entirely above the seasonal high water table.

2) The landfill must be underlain by two liners which are designed and constructed in a manner to prevent the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of Section 724.401(a)(1).

3) A leak detection system must be designed, constructed, maintained and operated between the liners to detect any migration of liquid into the space between the liners.

4) The landfill must have a leachate collection and removal system above the top liner that is designed, constructed, maintained and operated in accordance with Section 724.401(a)(2).

b) If liquid leaks into the leak detection system, the owner or operator must:

1) Notify the Agency of the leak in writing within seven days after detecting the leak; and

2)

A) Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

B) If a detection monitoring program pursuant to Section 724.198 has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of Subpart F within a period of time specified in the permit.

c) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

**Section 724.403 Monitoring and Inspection**

a) During construction or installation, liners (except in the case of existing portions of landfills exempt from Section 724.401(a)) and cover systems (e.g., membranes, sheets or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots or foreign materials). Immediately after construction or installation:

1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures or blisters; and

2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions or improper operation of run-on and run-off control systems;

2) The presence of liquids in leak detection systems, where installed to comply with Section 724.402;

3) Proper functioning of wind dispersal control systems, where present; and

4) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.

**Section 724.409 Surveying and Recordkeeping**

The owner or operator of a landfill must maintain the following items in the operating record required under Section 724.173:

a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

b) The contents of each cell and the approximate location of each hazardous waste type within each cell.

**Section 724.410 Closure and Post-closure Care**

a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

1) Provide long-term minimization of migration of liquids through the closed landfill;

2) Function with minimum maintenance;

3) Promote drainage and minimize erosion or abrasion of the cover;

4) Accommodate settling and subsidence so that the cover's integrity is maintained; and

5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

b) After final closure, the owner or operator must comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator must:

1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion or other events;

2) Maintain and monitor the leak detection system in accordance with Section 724.402, where such a system is present between double liner systems;

3) Continue to operate the leachate collection and removal system until leachate is no longer detected;

4) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F;

5) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

6) Protect and maintain surveyed benchmarks used in complying with Section 724.409.

c) During the post-closure care period, if liquid leaks into a leak detection system installed under Section 724.402, the owner or operator must notify the Agency of the leak in writing within seven days after detecting the leak. The Agency will modify the permit to require compliance with the requirements of Subpart F.

**Section 724.412 Special Requirements for Ignitable or Reactive Waste**

a) Except as provided in paragraph (b) and in Section 724.416, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered or mixed before or immediately after placement in a landfill so that:

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with.

b) Ignitable wastes in containers may be landfilled without meeting the requirements of paragraph (a) provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers which a carefully handled and placed so as to avoid heat, spark rupture or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

**Section 724.413 Special Requirements for Incompatible Wastes**

Incompatible wastes, or incompatible wastes and materials, (see Appendix E for examples) must not be placed in the same landfill cell, unless Section 724.117(b) is complied with.

**Section 724.414 Special Requirements for Liquid Waste**

a) Bulk or non-containerized liquid waste or waste containing free liquids must not be placed in a landfill unless:

1) The landfill has a liner and leachate collection a removal system that meet the requirement Section 724.401(a); or

2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

b) Containers holding free liquids must not be placed in a landfill unless:

1) All free-standing liquid:

A) has been removed by decanting or other methods;

B) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or

C) has been otherwise eliminated; or

2) The container is very small, such as an ampule; or

3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.

c) Disposal of liquid wastes or wastes containing free liquids otherwise allowed under this Section must be authorized pursuant to 35 Ill. Adm. Code 709.401(a). As required by 35 Ill. Adm. Code 709.520(c), the Agency must require the addition of absorbents to any such waste, any provision of this Section notwithstanding.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

**Section 724.415 Special Requirements for Containers**

Unless they are very small, such as an ampule, containers must be either:

a) At least 90 percent full when placed in the landfill; or

b) Crushed, shredded or similarly reduced in volume to the maximum practical extent before burial in the landfill.

**Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)**

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by or be ignited by the contained waste. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.

b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.

c) In accordance with Section 724.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers.

d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.

e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraphs (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with paragraphs (a) through (d) without first being treated or rendered non-reactive.

f) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

*(Source: Amended at 9 Ill. Reg. 11964, effective July 24, 1985)*

## SUBPART O: INCINERATORS

**Section 724.440 Applicability**

a) The regulations in this Subpart apply to owners and operators of facilities that incinerate hazardous waste, except as Section 724.101 provides otherwise.

b) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart except Section 724.441 (Waste analysis) and Section 724.451 (Closure):

1) If the Agency finds that the waste to be burned is:

A) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or

B) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or

C) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the test for characteristics of hazardous wastes under 35 Ill. Adm. Code 721, Subpart C; or

D) A hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, which would reasonably be expected to be in the waste.

c) If the waste to be burned is one which is described by paragraphs (b)(1)(A), (b)(1)(B), (b)(1)(C) or (b)(1)(D) and contains insignificant concentrations of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart, except Section 724.441 (Waste analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.

d) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (Short term and incinerator permits).

**Section 724.441 Waste Analysis**

a) As a portion of the trial burn plan required by 35 Ill. Adm. Code 703.222 through 703.225, or with Part B of the permit application, the owner or operator must have included an analysis of the waste feed sufficient to provide all information required by 35 Ill. Adm. Code 703.223 or 703.205. Owners or operators of new hazardous waste incinerators must provide the information required by 35 Ill. Adm. Code 703.224 or 703.205 to the greatest extent possible.

b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in the permit (under Section 724.445(b)).

**Section 724.442 Principal Organic Hazardous Constituents (POHCs)**

a) Principal organic hazardous constituents (POHCs) in the waste feed must be treated to the extent required by the performance standard of Section 724.443.

b)

1) One or more POHCs will be specified in the facility's permit, from among those constituents listed in 35 Ill. Adm. Code 721, Appendix H, for each waste feed to be burned. This specification will be based on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents which represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs. Constituents are more likely to be designated as POHCs if they are present in large quantities or concentrations in the waste.

2) Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in 35 Ill. Adm. Code 703.222 through 703.225 for obtaining trial burn permits.

**Section 724.443 Performance Standards**

An incinerator burning hazardous waste must be designed, constructed and maintained so that, when operated in accordance with operating requirements specified under Section 724.445, it will meet the following performance standards:

a) An incinerator burning hazardous waste must achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated (under Section 724.442) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = 100 (N - 0) / N$$

Where:

N = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and

0 = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

b) An incinerator burning hazardous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or 1% of the HCl in the stack gas prior to entering any pollution control equipment.

c) An incinerator burning hazardous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$C = 14(M) / (21 - Y)$$

1) Where:

C = the corrected concentration of particulate matter,

M = the measured concentration of particulate matter, and

Y = the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR 60, Appendix A (Method 3).

2) This correction procedure is to be used by all hazardous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the Agency will select an appropriate correction procedure, to be specified in the facility permit.

d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 724.445) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of this Section may be "information" justifying modification, revocation or reissuance of a permit under 35 Ill. Adm. Code 702.184.

**Section 724.444 Hazardous Waste Incinerator Permits**

a) The owner or operator of a hazardous waste incinerator may burn only wastes specified in its permit and only under operating conditions specified for those wastes under Section 724.445 except:

1) In approved trial burns under 35 Ill. Adm. Code 703.222 through 703.225; or

2) Under exemptions created by Section 724.440.

b) Other hazardous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under 35 Ill. Adm. Code 703.205.

c) The permit for a new hazardous waste incinerator must establish appropriate conditions for each of applicable requirements of this Subpart, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of Section 724.445, sufficient to comply with the following standards:

1) For the period beginning with initial introduction of hazardous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in paragraph (c)(2), not to exceed a duration of 720 hours operating time for treatment of hazardous waste, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443, based on the Agency's engineering judgement. The Agency may extend the duration of this period once for up to 720 additional hours when good cause for the extension is demonstrated by the applicant

2) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of Section 724.443 and must be in accordance with the approved trial burn plan;

3) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn

results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443 based on the Agency's engineering judgement.

4) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.205(c), as sufficient to ensure compliance with the performance standards of Section 724.443.

**Section 724.445 Operating Requirements**

a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in Section 724.444(b) and included with Part B of the facility's permit application) to be sufficient to comply with the performance standards of Section 724.443.

b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirement of Section 724.443) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

1) Carbon monoxide (CO) level in the stack exhaust gas;

2) Waste feed rate;

3) Combustion temperature;

4) An appropriate indicator of combustion gas velocity;

5) Allowable variations in incinerator system design or operating procedures; and

6) Such other operating requirements as are necessary to ensure that the performance standards of Section 724.443 are met.

c) During start-up and shut-down of an incinerator, hazardous waste (except wastes exempted in accordance with Section 724.440) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

d) Fugitive emissions from the combustion zone must be controlled by:

1) Keeping the combustion zone totally sealed against fugitive emissions; or

2) Maintaining a combustion zone pressure lower than atmospheric pressure; or

3) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under paragraph (a).

f) An incinerator must cease operation when changes in waste feed, incinerator design or operating conditions exceed limits designated in its permit.

**Section 724.447 Monitoring and Inspections**

a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating hazardous waste:

1) Combustion temperature, waste feed rate and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis.

2) Carbon monoxide must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere.

3) Upon request by the Agency, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieved the performance standard of Section 724.443.

b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions and signs of tampering.

c) The emergency waste feed cutoff system and associated alarms must be tested at least weekly to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, operational testing must be conducted at least monthly.

d) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by Section 724.173.

**Section 724.451 Closure**

At closure the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the incinerator site.

(Board Note: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d), that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with applicable requirements of this Subchapter.)

APPENDIX A
RECORDKEEPING INSTRUCTIONS

See 40 CFR 264, Appendix I.

APPENDIX B
EPA REPORT FORM AND INSTRUCTIONS (Repealed)

*(Source: Repealed at 9 Ill. Reg. 11964, effective July 24, 1985)*

## APPENDIX D
## COCHRAN'S APPROXIMATION TO THE BEHRENS-FISHER STUDENT'S T-TEST

See 40 CFR 264, Appendix IV.

## APPENDIX E
## EXAMPLES OF POTENTIALLY INCOMPATIBLE WASTE

See 40 CFR 264, Appendix V.

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHARTER 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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| 725.213 | Closure; Time Allowed for Closure |
| 725.214 | Disposal or Decontamination of Equipment |
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| 725.241 | Definitions of Terms as Used in this Subpart |
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| 725.274 | Inspections |
| 725.276 | Special Requirements for Ignitable or Reactive Waste |
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| 725.292 | General Operating Requirements |
| 725.293 | Waste Analysis and Trial Tests |
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| 725.323 | Containment System |
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SUBPART L: WASTE PILES

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725.350 Applicability
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SUBPART M: LAND TREATMENT

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SUBPART N: LANDFILLS

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SUBPART O: INCINERATORS

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725.440 Applicability
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SUBPART P: THERMAL TREATMENT

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SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

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725.500 Applicability
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SUBPART R: UNDERGROUND INJECTION

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Appendix A Recordkeeping Instructions
Appendix B EPA Report Form and Instructions (Repealed)
Appendix C EPA Interim Primary Drinking Water Standards
Appendix D Tests for Significance
Appendix E Examples of Potentially Incompatible Waste

*AUTHORITY: Authorized by Section 27 and implementing Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1027 and 1022.4).*

*SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, 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.*

## SUBPART A: GENERAL

### Section 725.101 Purpose, Scope and Applicability

a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste during the period of interim status.

b) The standards in this Part apply to owners and operators of facilities which treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until final administrative disposition of their permit application is made, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, and/or failed to file Part A of the Permit Application as required by 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 after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;

(Board Note: As stated in Section 3005(a) of RCRA, after the effective date of regulations under 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 provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.)

c) The requirements of this Part do not apply to:

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHARTER 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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### SUBPART B: GENERAL FACILITY STANDARDS


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### SUBPART C: PREPAREDNESS AND PREVENTION


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*AUTHORITY: Authorized by Section 27 and implementing Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1027 and 1022.4).*

*SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, 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.*

## SUBPART A: GENERAL

**Section 725.101 Purpose, Scope and Applicability**

a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste during the period of interim status.

b) The standards in this Part apply to owners and operators of facilities which treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until final administrative disposition of their permit application is made, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, and/or failed to file Part A of the Permit Application as required by 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 after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;

(Board Note: As stated in Section 3005(a) of RCRA, after the effective date of regulations under 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 provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.)

c) The requirements of this Part do not apply to:

1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);

(Board Note: These Part 725 regulations do apply 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 paragraph (b).)

2) A person disposing of hazardous waste by means of underground injection subject to an Underground Injection Control (UIC) permit issued under 35 Ill. Adm. Code 704;

(Board Note: These Part 725 regulations do apply to the above ground treatment or storage of hazardous waste before it is injected underground. These Part 725 regulations also apply to the disposal of hazardous waste by means of underground injection, as provided in paragraph (b), until final administrative disposition of a person's permit application is made under 35 Ill. Adm. Code 703 or 704.)

3) The owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste;

(Board Note: The owner or operator of a facility under paragraphs (c)(1) through (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 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704, Subpart F.)

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 this Part by 35 Ill. Adm. Code 721.105;

6) The owner or operator of a facility which treats or stores hazardous waste, which treatment or storage meets the criteria in 35 Ill. Adm. Code 721.106(a), except to the extent that 35 Ill. Adm. Code 721.106(b) provides otherwise;

7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;

8) A farmer disposing of waste pesticides from his own use in compliance with 35 Ill. Adm. Code 722.151;

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;

11)

A) Except as provided in paragraph (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 which, when discharged, becomes a hazardous waste.

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 who is covered by paragraph (c)(11)(A) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities.

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 waste is first placed in the containers; and Sections 725.117(b), 725.271 and 725.272 are complied with.

d) 35 Ill. Adm. Code 700 contains rules concerning application of other Board regulations.

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.104 Imminent Hazard Action**

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to Title VIII of the Illinois Environmental Protection Act.

## SUBPART B: GENERAL FACILITY STANDARDS

**Section 725.110 Applicability**

The regulations in this Subpart apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

**Section 725.111 USEPA Identification Number**

Every facility owner or operator must apply to EPA for an EPA identification number in accordance with the EPA notification procedures (45 FR 12746).

**Section 725.112 Required Notices**

a) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date that the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703 (Also see 40 35 Ill. Adm. Code 703.155.

(Board Note: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.)

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.113 General Waste Analysis**

a) 1) Before an owner or operator treats, stores or disposes of any hazardous waste, he must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part.

2) The analysis may include data developed under Part 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

Comment: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with paragraph (a)(1) of this Section. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by paragraph (a)(1) of this Section. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

3) The analysis must be repeated as necessary to insure that it is accurate and up-to-date. At a minimum, the analysis must be repeated:

A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and

B) For off-site facilities, when the results of the inspection required in paragraph (a)(4) of this Section indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator must develop and follow a written waste analysis plan which describes the procedures which he will carry out to comply with paragraph (a) of this Section. He must keep this plan at the facility. At a minimum, the plan must specify:

1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with paragraph (a) of this Section);

2) The test methods which will be used to test for these parameters;

3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

A) One of the sampling methods described in Appendix I of Part 721; or

B) An equivalent sampling method.

Comment: See Section 720.120(c) for related discussion.

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date;

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply; and

6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Section 725.293, 725.325, 725.352, 725.373, 725.445, 725.475 and 725.502.

c) For off-site facilities the waste analysis plan required in paragraph (b) of this Section must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and

2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.114 Security**

a) The owner or operator must prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of his facility, unless:

1) Physical contact with the waste, structures or equipment of the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and

2) Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of this Part.

b) Unless exempt under paragraph (a)(1) and (a)(2) of this Section, a facility must have:

1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry into the active portion of the facility; or

2) A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

B) A means to control entry at all times through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance or controlled roadway access to the facility).

Comment: The requirements of paragraph (b) of this Section are satisfied if the facility or plant within which the active portion is located itself has a surveillance system or a barrier and a means to control entry which complies with the requirements of paragraph (b)(1) and (b)(2) of this Section.

c) Unless exempt under paragraphs (a)(1) and (a)(2) of this Section, a sign with the legend, "Danger—Unauthorized Personnel Keep Out", must be posted at each entrance to the active portion of a facility and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

Comment: See Section 725.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.115 General Inspection Requirements**

a) The owner or operator must inspect his facility for malfunctions and deterioration, operator errors and discharges which may be causing—or may lead to—the conditions listed below. 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.

1) Release of hazardous waste constituents to the environment; or

2) A threat to human health.

b) 1) The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

2) He must keep this schedule at the facility.

3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.294, 725.326, 725.447, 725.477 and 725.503.

c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.116 Personnel Training**

a) 1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this Section.

2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including where applicable:

A) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;

B) Key parameters for automatic waste feed cut-off systems;

C) Communications or alarm systems;

D) Response to fires or explosions;

E) Response to groundwater contamination incidents; and

F) Shutdown of operations.

b) Facility personnel must successfully complete the program required in paragraph (a) of this Section upon the effective date of these regulations or six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of paragraph (a) of this Section.

c) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this Section.

d) The owner or operator must maintain the following documents and records at the facility:

1) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

2) A written job description for each position listed under paragraph (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications and duties of facility personnel assigned to each position;

3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this Section;

4) Records that document that the training or job experience required under paragraphs (a), (b) and (c) of this Section has been given to and completed by facility personnel.

e) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

**Section 725.117 General Requirements for Ignitable, Reactive or Incompatible Wastes**

a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g, from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

b) Where specifically required by other Sections of this Part, the treatment, storage or disposal or ignitable or reactive waste and the mixture or commingling of incompatible waste or incompatible wastes and materials, must be conducted so that it does not:

1) Generate extreme heat or pressure, fire or explosion or violent reaction;

2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health;

3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

4) Damage the structural integrity of the device or facility containing the waste; or

5) Through other like means threaten human health or the environment.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART C: PREPAREDNESS AND PREVENTION

**Section 725.130 Applicability**

The regulation in this Subpart apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

**Section 725.131 Maintenance and Operation of Facility**

Facilities must be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

**Section 725.132 Required Equipment**

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas or dry chemicals), spill control equipment and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams or foam producing equipment or automatic sprinklers or water spray systems.

**Section 725.133 Testing and Maintenance of Equipment**

All facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

**Section 725.134 Access to Communications or Alarm System**

a) Whenever hazardous waste is being poured, mixed, spread or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 725.132.

b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 725.132.

**Section 725.135 Required Aisle Space**

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

**Section 725.137 Arrangements with Local Authorities**

a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

1) Arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;

2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority;

3) Agreements with State emergency response teams, emergency response contractors and equipment suppliers; and

4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

**Section 725.150 Applicability**

The regulations in this Subpart apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.151 Purpose and Implementation of Contingency Plan**

a) Each owner or operator must have a contingency plan for this facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

**Section 725.152 Content of Contingency Plan**

a) The contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water at the facility.

b) If the owner or operator has already prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 or 1510 or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part.

c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services, pursuant to Section 725.137.

d) The plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 725.155) and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm system (internal and external) and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.153 Copies of Contingency Plan**

A copy of the contingency plan and all revisions to the plan must be:

a) Maintained at the facility; and

b) Submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

**Section 725.154 Amendment of Contingency Plan**

The contingency plan must be reviewed and immediately amended, if necessary, whenever:

a) Applicable regulations are revised;

b) The plan fails in an emergency;

c) The facility changes — in its design, construction, operation, maintenance or other circumstances — in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents or changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

**Section 725.155 Emergency Coordinator**

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

Comment: The emergency coordinator's responsibilities are more fully spelled out in Section 725.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility and type and complexity of the facility.

**Section 725.156 Emergency Procedures**

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

   1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

   2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire or explosion, the emergency coordinator must immediately identify the character, exact source, amount and a real extent of any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire or explosion (e.g., the effects of any toxic, irritating or asphyxiating gases that are generated or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

   1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

   2) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR Part 1510) or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

      A) Name and telephone number of reporter;

      B) Name and address of facility;

      C) Time and type of incident (e.g., release, fire);

      D) Name and quantity of materials(s) involved, to the extent known;

      E) The extent of injuries, if any; and

      F) The possible hazards to human health or the environment outside the facility.

e) During an emergency the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing or disposing of recovered waste, contaminated soil or surface water or any other material that results from release, fire or explosion at the facility.

   Comment: Unless the owner or operator can demonstrate, in accordance with Section 721.103(c) or (d) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725.

h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

   1) No waste that may be incompatible with the released material is treated, stored or disposed of until cleanup procedures are completed; and

   2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The owner or operator must notify the Director and other appropriate state and local authorities that the facility is in compliance with paragraph (h) of this Section before operations are resumed in the affected area(s) of the facility.

j) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Director. The report must include:

   1) Name, address and telephone number of the owner or operator;

   2) Name, address and telephone number of the facility;

   3) Date, time and type of incident (e.g., fire, explosion);

   4) Name and quantity of material(s) involved;

   5) The extent of injuries, if any;

   6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

**Section 725.137 Arrangements with Local Authorities**

a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

1) Arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;

2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority;

3) Agreements with State emergency response teams, emergency response contractors and equipment suppliers; and

4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

**Section 725.150 Applicability**

The regulations in this Subpart apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.151 Purpose and Implementation of Contingency Plan**

a) Each owner or operator must have a contingency plan for this facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

**Section 725.152 Content of Contingency Plan**

a) The contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water at the facility.

b) If the owner or operator has already prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 or 1510 or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part.

c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services, pursuant to Section 725.137.

d) The plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 725.155) and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm system (internal and external) and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.153 Copies of Contingency Plan**

A copy of the contingency plan and all revisions to the plan must be:

a) Maintained at the facility; and

b) Submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

**Section 725.154 Amendment of Contingency Plan**

The contingency plan must be reviewed and immediately amended, if necessary, whenever:

a) Applicable regulations are revised;

b) The plan fails in an emergency;

c) The facility changes — in its design, construction, operation, maintenance or other circumstances — in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents or changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

**Section 725.155 Emergency Coordinator**

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

Comment: The emergency coordinator's responsibilities are more fully spelled out in Section 725.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility and type and complexity of the facility.

**Section 725.156 Emergency Procedures**

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

   1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

   2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire or explosion, the emergency coordinator must immediately identify the character, exact source, amount and a real extent of any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire or explosion (e.g., the effects of any toxic, irritating or asphyxiating gases that are generated or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

   1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

   2) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR Part 1510) or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

      A) Name and telephone number of reporter;

      B) Name and address of facility;

      C) Time and type of incident (e.g., release, fire);

      D) Name and quantity of materials(s) involved, to the extent known;

      E) The extent of injuries, if any; and

      F) The possible hazards to human health or the environment outside the facility.

e) During an emergency the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing or disposing of recovered waste, contaminated soil or surface water or any other material that results from release, fire or explosion at the facility.

   Comment: Unless the owner or operator can demonstrate, in accordance with Section 721.103(c) or (d) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725.

h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

   1) No waste that may be incompatible with the released material is treated, stored or disposed of until cleanup procedures are completed; and

   2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The owner or operator must notify the Director and other appropriate state and local authorities that the facility is in compliance with paragraph (h) of this Section before operations are resumed in the affected area(s) of the facility.

j) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Director. The report must include:

   1) Name, address and telephone number of the owner or operator;

   2) Name, address and telephone number of the facility;

   3) Date, time and type of incident (e.g., fire, explosion);

   4) Name and quantity of material(s) involved;

   5) The extent of injuries, if any;

   6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

**Section 725.137 Arrangements with Local Authorities**

a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

1) Arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;

2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority;

3) Agreements with State emergency response teams, emergency response contractors and equipment suppliers; and

4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

**Section 725.150 Applicability**

The regulations in this Subpart apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.151 Purpose and Implementation of Contingency Plan**

a) Each owner or operator must have a contingency plan for this facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

**Section 725.152 Content of Contingency Plan**

a) The contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water at the facility.

b) If the owner or operator has already prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 or 1510 or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part.

c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services, pursuant to Section 725.137.

d) The plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 725.155) and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm system (internal and external) and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.153 Copies of Contingency Plan**

A copy of the contingency plan and all revisions to the plan must be:

a) Maintained at the facility; and

b) Submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

**Section 725.154 Amendment of Contingency Plan**

The contingency plan must be reviewed and immediately amended, if necessary, whenever:

a) Applicable regulations are revised;

b) The plan fails in an emergency;

c) The facility changes — in its design, construction, operation, maintenance or other circumstances — in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents or changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

**Section 725.155 Emergency Coordinator**

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

Comment: The emergency coordinator's responsibilities are more fully spelled out in Section 725.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility and type and complexity of the facility.

**Section 725.156 Emergency Procedures**

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

   1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

   2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire or explosion, the emergency coordinator must immediately identify the character, exact source, amount and a real extent of any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire or explosion (e.g., the effects of any toxic, irritating or asphyxiating gases that are generated or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

   1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

   2) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR Part 1510) or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

      A) Name and telephone number of reporter;

      B) Name and address of facility;

      C) Time and type of incident (e.g., release, fire);

      D) Name and quantity of materials(s) involved, to the extent known;

      E) The extent of injuries, if any; and

      F) The possible hazards to human health or the environment outside the facility.

e) During an emergency the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing or disposing of recovered waste, contaminated soil or surface water or any other material that results from release, fire or explosion at the facility.

   Comment: Unless the owner or operator can demonstrate, in accordance with Section 721.103(c) or (d) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725.

h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

   1) No waste that may be incompatible with the released material is treated, stored or disposed of until cleanup procedures are completed; and

   2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The owner or operator must notify the Director and other appropriate state and local authorities that the facility is in compliance with paragraph (h) of this Section before operations are resumed in the affected area(s) of the facility.

j) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Director. The report must include:

   1) Name, address and telephone number of the owner or operator;

   2) Name, address and telephone number of the facility;

   3) Date, time and type of incident (e.g., fire, explosion);

   4) Name and quantity of material(s) involved;

   5) The extent of injuries, if any;

   6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

7) Estimated quantity and disposition of recovered material that resulted from the incident.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

### Section 725.170 Applicability

The regulations in this Subpart apply to owners and operators of both on-site and off-site facilities, except as Section 725.101 provides otherwise. Sections 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources.

### Section 725.171 Use of Manifest System

a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator or his agent must:

1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

2) Note any significant discrepancies in the manifest (as defined in Section 725.172(a)) on each copy of the manifest;

Comment: The Board does not intend that the owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) Immediately give the transporter at least one copy of the signed manifest;

4) Within 30 days after the delivery, send a copy of the manifest to the generator and to the Agency; and

5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification and signatures) the owner or operator or his agent must:

1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) Note any significant discrepancies (as defined in Section 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;

Comment: The Board does not intend that the owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis must 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) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator and to the Agency; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

Comment: 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 Part 722.

Comment: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

### Section 725.172 Manifests Discrepancies

a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility actually receives.

b) Significant discrepancies in quantity are:

1) For bulk waste, variations greater than 10 percent in weight, and

2) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

c) Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid or toxic constituents not reported on the manifest or shipping paper.

d) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Director a letter describing the discrepancy and attempts to reconcile it and a copy of the manifest or shipping paper at issue.

### Section 725.173 Operating Record

a) The owner or operator must keep a written operating record at his facility.

b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.

1) A description and the quantity of each hazardous waste received and the method(s) and date(s) of its treatment, storage or disposal at the facility as required by Appendix I;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

   Comment: See Sections 725.219, 725.379 and 725.409 for related requirements.

3) Records and results of waste analysis and trial test performed as specified in Sections 725.113, 725.293, 725.325, 725.352, 725.373, 725.441, 725.475 and 725.502;

4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);

5) Records and results of inspections as required by Section 725.115(d) (except these data need be kept only three years);

6) Monitoring, testing or analytical data where required by Sections 725.190, 725.194, 725.376, 725.378, 725.380(d)(1), 725.447 and 725.477; and

   Comment: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.174 Availability, Retention and Disposition of Records**

a) All records, including plans, required under this Part must be furnished upon request and made available at all reasonable times for inspection by any officer, employee or representative of the Agency who is duly designated by the Director.

b) The retention period for all records required under this Part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director.

c) A copy of records of waste disposal locations and quantities under Section 725.173(b)(2) must be submitted to the Director and local land authority upon closure of the facility (see Section 725.219).

**Section 725.175 Annual Report**

The owner or operator must prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form and instructions supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

a) The USEPA identification number (Section 725.111), name and address of the facility;

b) The calendar year covered by the report;

c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities this information must be listed by EPA identification number of each generator;

e) The method of treatment, storage or disposal for each hazardous waste;

f) Monitoring data under Section 725.194(a)(2)(B) and (C) and (b)(2) where required;

g) The most recent closure cost estimate under Section 725.242 and for disposal facilities the most recent post-closure cost estimate under Section 725.244; and

h) The certification signed by the owner or operator of the facility or his authorized representative.

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.176 Unmanifested Waste Report**

If a facility accepts for treatment, storage or disposal any hazardous waste from an off-site source without an accompanying manifest or without an accompanying shipping paper as described in 35 Ill. Adm. Code 723.120(e)(2) and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 721.105 then the owner or operator must prepare and submit a single copy of a report to the Director within 15 days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated 'Unmanifested Waste Report' and include the following information:

a) The USEPA identification number, name and address of the facility;

b) The date the facility received the waste;

c) The USEPA identification number, name and address of the generator and the transporter, if available;

d) A description and the quantity of each unmanifested hazardous waste the facility received;

e) The method of treatment, storage or disposal for each hazardous waste;

f) The certification signed by the owner or operator of the facility or his authorized representative; and

g) A brief explanation of why the waste was unmanifested, if known.

   (Board Note: Small quantities of hazardous waste are excluded from regulation under this Part and do not require a manifest. Where a facility received unmanifested hazardous waste, the Board suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Board suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.177 Additional Reports**

In addition to submitting the annual report and unmanifested waste reports described in Sections 725.175 and 725.176, the owner or operator must also report to the Director:

a) Releases, fires and explosions as specified in Section 725.156(j);

b) Groundwater contamination and monitoring data as specified in Section 725.193 and 725.194; and

c) Facility closure as specified in Section 725.215.

## SUBPART F: GROUNDWATER MONITORING

**Section 725.190 Applicability**

a) The owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste must implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility, except as Section 725.101 and paragraph (c) provide otherwise.

b) Except as paragraphs (c) and (d) provide otherwise, the owner or operator must install, operate and maintain a groundwater monitoring system which meets the requirements of Section 725.191 and must comply with Sections 725.192 through 725.194. This groundwater monitoring program must be carried out during the active life of the facility and for disposal facilities during the post-closure care period as well.

c) All or part of the groundwater monitoring requirements of this Subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial or agricultural) or to surface water. This demonstration must be in writing and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:

1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer by an evaluation of:

A) A water balance of precipitation, evapotransportation, runoff and infiltration; and

B) Unsaturated zone characteristics (i.e., geologic materials, physical properties and depth to ground water); and

2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water by an evaluation of:

A) Saturated zone characteristics (i.e., geologic materials, physical properties and rate of groundwater flow); and

B) The proximity of the facility to water supply wells or surface water.

d) If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters in accordance with Sections 725.191 and 725.192 would show statistically significant increases (or decreases in the case of pH) when evaluated under Section 725.193(b), he may install, operate and maintain an alternate groundwater monitoring system (other than the one described in Sections 725.191 and 725.192). If the owner or operator decides to use an alternate groundwater monitoring system he must have:

1) By November 19, 1981, submitted to the Regional Administrator a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of 40 CFR 265.93(d)(3) for an alternate groundwater monitoring system;

2) By November 19, 1981, initiated the determinations specified in 40 CFR 265.93(d)(4);

3) Prepare and submit a written report in accordance with Section 725.193(d)(5);

4) Continue to make the determinations specified in Section 725.193(d)(4) on a quarterly basis until final closure of the facility; and

5) Comply with the recordkeeping and reporting requirements in Section 725.194(b).

e) The groundwater monitoring requirements of this Subpart may be waived with respect to any surface impoundment which:

1) Is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under 35 Ill. Adm. Code 721.122 or are listed as hazardous wastes in 35 Ill. Adm. Code 721, Subpart D only for this reason; and

2) Contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.191 Groundwater Monitoring System**

a) A groundwater monitoring system must be capable of yielding groundwater samples for analysis and must consist of:

1) Monitoring wells (at least one) installed hydraulically upgradient (i.e., in the direction of increasing static head) from the limit of the waste management area. Their number, locations and depths must be sufficient to yield groundwater samples that are:

A) Representative of background groundwater quality in the uppermost aquifer near the facility; and

B) Not affected by the facility; and

2) Monitoring wells (at least three) installed hydraulically downgradient (i.e., in the direction of decreasing static head) at the limit of the waste management area. Their number, locations and depths must ensure that they immediately detect any statistically significant amounts of hazardous

waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

b) Separate monitoring systems for each waste management component of a facility are not required provided that provisions for sampling upgradient and downgradient water quality will detect any discharge from the waste management area.

1) In the case of a facility consisting of only one surface impoundment, landfill or land treatment area, the waste management area is described by the waste boundary (perimeter).

2) In the case of a facility consisting of more than one surface impoundment, landfill or land treatment area the waste management area is described by the imaginary boundary line which circumscribes the several waste management components.

c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand where necessary to enable sample collection at depths where appropriate aquifer flow zones exist. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed with a suitable material (e.g., cement grout or bentonite slurry) to prevent contamination of samples and the groundwater.

**Section 725.192 Sampling and Analysis**

a) The owner or operator must obtain and analyze samples from the installed groundwater monitoring system. The owner or operator must develop and follow a groundwater sampling and analysis plan. He must keep this plan at the facility. The plan must include procedures and techniques for:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

Comment: See "Procedures Manual For Groundwater Monitoring At Solid Waste Disposal Facilities," EPA-530/SW-611, August, 1977 and "Methods for Chemical Analysis of Water and Wastes," EPA-600/4-79-020, March, 1979 for discussions of sampling and analysis procedures.

b) The owner or operator must determine the concentration or value of the following parameters in groundwater samples in accordance with paragraphs (c) and (d) of this Section:

1) Parameters characterizing the suitability of the groundwater as a drinking water supply, as specified in Appendix III.

2) Parameters establishing groundwater quality;

A) Chloride

B) Iron

C) Manganese

D) Phenols

E) Sodium

F) Sulfate

Comment: These parameters are to be used as a basis for comparison in the event a groundwater quality assessment is required under Section 725.193(d).

3) Parameters used as indicators of groundwater contamination:

A) pH

B) Specific Conductance

C) Total Organic Carbon

D) Total Organic Halogen

c) 1) For all monitoring wells, the owner or operator must establish initial background concentrations or values of all parameters specified in paragraph (b) of this Section. He must do this quarterly for one year.

2) For each of the indicator parameters specified in paragraph (b)(3), at least four replicate measurements must be obtained for each sample and the initial background arithmetic mean and variance must be determined by pooling the replicate measurements for the respective parameter concentrations or values in samples obtained from upgradient wells during the first year.

d) After the first year, all monitoring wells must be sampled and the samples analyzed with the following frequencies:

1) Samples collected to establish groundwater quality must be obtained and analyzed for the parameters specified in paragraph (b)(2) of this Section at least annually.

2) Samples collected to indicate groundwater contamination must be obtained and analyzed for the parameters specified in paragraph (b)(3) of this Section at least semi-annually.

e) Elevation of the groundwater surface at each monitoring well must be determined each time a sample is obtained.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.193 Preparation, Evaluation and Response**

a) By no later than November 19, 1981, the owner or operator must prepare an outline of a groundwater quality assessment program. The outline must describe a more comprehensive groundwater monitoring program (than that described in Sections 725.191 and 725.192) capable of determining:

1) Whether hazardous waste or hazardous waste constituents have entered the groundwater;

2) The rate and extent of migration of hazardous waste or hazardous waste constituents in the groundwater; and

3) The concentrations of hazardous waste or hazardous waste constituents in the groundwater.

b) For each indicator parameter specified in Section 725.192(b)(3) the owner or operator must calculate the arithmetic mean and variance, based on at least four replicate measurements on each sample, for each well monitored in accordance with Section 725.192(d)(2) and compare these results with its initial background arithmetic mean. The comparison must consider individually each of the wells in the monitoring system and must use the Student's t-test at the 0.01 level of significance (see Appendix D) to determine statistically significant increases (and decreases, in the case of pH) over initial background.

c)

1) If the comparisons for the upgradient wells made under paragraph (b) show a significant increase (or pH decrease) the owner or operator must submit this information in accordance with Section 725.194(a)(2)(B).

2) If the comparisons for downgradient wells made under paragraph (b) show a significant increase (or pH decrease) the owner or operator must then immediately obtain additional groundwater samples for those downgradient wells where a significant difference was detected, split the samples in two and obtain analyses of all additional samples to determine whether the significant difference was a result of laboratory error.

d)

1) If the analyses performed under paragraph (c)(2) confirm the significant increase (or pH decrease) the owner or operator must provide written notice to the Director — within seven days of the date of such confirmation — that the facility may be affecting groundwater quality.

2) Within 15 days after the notification under paragraph (d)(1), the owner or operator must develop and submit to the Director a specific plan, based on the outline required under paragraph (a) and certified by a qualified geologist or geotechnical engineer for a groundwater quality assessment program at the facility.

3) The plan to be submitted under Section 725.190(d)(1) or paragraph (d)(2) must specify:

A) The number, location and depth of wells;

B) Sampling and analytical methods for those hazardous wastes or hazardous waste constituents in the facility;

C) Evaluation procedures, including any use of previously gathered groundwater quality information; and

D) A schedule of implementation.

4) The owner or operator must implement the groundwater quality assessment plan which satisfies the requirements of paragraph (d)(3) and, at a minimum, determine:

A) The rate and extent of migration of the hazardous waste or hazardous waste constituents in the groundwater; and

B) The concentrations of the hazardous waste or hazardous waste constituents in the groundwater.

5) The owner or operator must make his first determination under paragraph (d)(4) as soon as technically feasible and, within 15 days after that determination, submit to the Director a written report containing an assessment of the groundwater quality.

6) If the owner or operator determines, based on the results of the first determination under paragraph (d)(4), that no hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he may reinstate the indicator evaluation program described in Section 725.192 and paragraph (b) of this Section. If the owner or operator reinstates the indicator evaluation program, he must so notify the Director in the report submitted under paragraph (d)(5) of this Section.

7) If the owner or operator determines, based on the first determination under paragraph (d)(4), that hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he:

A) Must continue to make the determinations required under paragraph (d)(4) on a quarterly basis until final closure of the facility if the groundwater quality assessment plan was implemented prior to final closure of the facility; or

B) May cease to make the determinations required under paragraph (d)(4) if the groundwater quality assessment plan was implemented during the post-closure care period.

e) Notwithstanding any other provision of this Subpart, any groundwater quality assessment to satisfy the requirements of paragraph (d)(4) which is initiated prior to final closure of the facility must be completed and reported in accordance with paragraph 725.193(d)(5).

f) Unless the groundwater is monitored to satisfy the requirements of paragraph (d)(4) at least annually the owner or operator must evaluate the data on groundwater surface elevations obtained under Section 725.192(e) to determine whether the requirements under Section 725.191(a) for locating the monitoring wells continues to be satisfied. If the evaluation shows that Section 725.191(a) is no longer satisfied, the owner or operator must immediately modify the number, location or depth of the monitoring wells to bring the groundwater monitoring system into compliance with this requirement.

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.194 Recordkeeping and Reporting**

a) Unless the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must:

1) Keep records of the analysis required in Section 725.192(c) and (d), the associated groundwater surface elevations required in Section 725.192(e) and the evaluations required in Section 725.193(b) throughout the active life of the facility and for disposal facilities, throughout the post-closure care period as well; and

2) Report the following groundwater monitoring information to the Director:

A) During the first year when initial background concentrations are being established for the facility: concentrations or values of the parameters listed in Section 725.192(b)(1) for each groundwater monitoring well within 15 days after completing each quarterly analysis. The owner or operator must separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum contaminant levels listed in Appendix III.

B) Annually: concentrations or values of the parameters listed in Section 725.192(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under Section 725.193(b). The owner or operator must separately identify any significant differences from initial background found in the upgradient wells, in accordance with Section 725.193(c)(1). During the active life of the facility, this information must be submitted as part of the annual report required under Section 725.175.

C) As part of the annual report required under Section 725.175: results of the evaluation of groundwater surface elevations under Section 725.193(f) and a description of the response to the evaluation, where applicable.

b) If the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4) the owner or operator must:

1) Keep records of the analyses and evaluations specified in the plan, which satisfies the requirements of Section 725.193(d)(3) throughout the active life of the facility and for disposal facilities, throughout the post-closure care period as well; and

2) Annually, until final closure of the facility, submit to the Director a report containing the results of his groundwater quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. This report must be submitted as part of the annual report required under Section 725.175.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART G: CLOSURE AND POST-CLOSURE

### Section 725.210 Applicability

Except as Section 725.101 provides otherwise:

a) Sections 725.211-725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and

b) Section 725.217-725.220 (which concern post-closure care) apply to the owners and operators of all hazardous waste disposal facilities.

### Section 725.211 Closure Performance Standard

The owner or operator must close his facility in a manner that:

a) Minimizes the need for further maintenance; and

b) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall or waste decomposition products to the ground or surface waters or to the atmosphere.

### Section 725.212 Closure Plan; Amendment of Plan

a) By May 19, 1981, the owner or operator must have a written closure plan. He must keep a copy of the closure plan and all revisions to the plan at the facility until closure is completed and certified in accordance with Section 725.215. This plan must identify the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include, at least:

1) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum exten' of the operation which will be unclosed during th life of the facility and how the requirements of Sections 725.211, 725.213, 725.214 and 725.215 and the applicable closure requirements of Sections 725.297, 725.328, 725.380, 725.410, 725.451, 725.481 and 725.504 will be met;

2) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility;

3) A description of the steps needed to decontaminate facility equipment during closure; and

4) An estimate of the expected year of closure and a schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must b included.)

b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator must amend the plan, whenever changes in the operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure of the facility. The plan must be amended within 60 days of the changes.

c) The owner or operator must submit his closure plan to the Director at least 180 days before the date he expects to begin closure. The owner or operator must submit his closure plan to the Director no later than 15 days after:

1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

2) Issuance of a judicial decree, Board order or compliance order under Section 3008 of RCRA to cease receiving wastes or close.

Comment: The date when closure commences should be within 30 days after the date on which the owner or operator expects to receive the final volume of wastes.

d) The Director will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan within 30 days of the date of the notice. He will also, in response to a request or at his own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Director will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and two notices may be combined.) The Director will approve, modify or disapprove the plan within 90 days of its receipt. If the Director does not approve the plan, the owner or operator must modify the plan or submit a new plan for approval within 30 days. The Director will approve or modify this plan in writing within 60 days. If the Director modifies the plan, this modified plan becomes the approved closure plan. The Director's decision must assure that the approved closure plan is consistent with Sections 725.211, 725.213, 725.214 and 725.215 and the applicable requirements of Sections 725.297, 725.328, 725.380, 725.410, 725.451, 725.481 and 725.504. A copy of this modified plan must be mailed to the owner or operator. If the owner or operator plans to begin closure before November 19, 1981, he must submit the closure plan by May 19, 1981.

**Section 725.213 Closure; Time Allowed for Closure**

a) Within 90 days after receiving the final volume of hazardous wastes, or 90 days after approval of the closure plan, if that is later, the owner or operator must treat, remove from the site or dispose of on-site all hazardous wastes in accordance with the approved closure plan. The Director may approve a longer period using the procedures under Section 725.212(d) if the owner or operator demonstrates that:

1) A) The activities required to comply with this paragraph will, of necessity, take him longer than 90 days to complete; or

B) i) The facility has the capacity to receive additional wastes;

ii) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

iii) Closure of the facility would be incompatible with continued operation of the site; and

2) He has taken and will continue to take all steps to prevent threats to human health and the environment.

b) The owner or operator must complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes or 180 days after approval of the closure plan, if that is later. The Director may approve a longer closure period using the procedures under Section 725.212(c) if the owner or operator demonstrates that;

1) A) The closure activities will, of necessity, take him longer than 180 days to complete; or

B) i) The facility has the capacity to receive additional waste;

ii) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site;

iii) Closure of the facility would be incompatible with continued operation of the site; and

2) He has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility.

Comment: Under paragraphs (a)(1)(B) and (b)(1)(B) of this Section, if operation of the facility is recommenced, the Director may defer completion of closure activities until the new operation is terminated.

**Section 725.214 Disposal or Decontamination of Equipment**

When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all hazardous waste and residues.

**Section 725.215 Certification of Closure**

When closure is completed, the owner or operator must submit to the Director certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

**Section 725.217 Post-closure Care and Use of Property**

a) Post-closure care must continue for 30 years after the date of completing closure and must consist of at least the following:

1) Groundwater monitoring and reporting in accorance with the requirements of Subpart F, and

2) Maintenance of monitoring and waste containment systems as specified in Sections 725.191, 725.323, 725.328, 725.380 and 725.410, where applicable.

b) The Director may require continuation of any of the security requirements of Section 725.114 for 30 years after the date closure has been completed when:

1) Wastes may remain exposed after completion of closure; or

2) Access by the public or domestic livestock may pose a hazard to human health; and

3) In extending any of these requirements, the Director will use the procedures of Section 725.218(c).

c) Post-closure use of property on or in which hazardous wastes remain after closure must never be allowed to disturb the integrity of the final cover, liner(s) or any other components of any containment system or the function of the facility's monitoring systems, unless the owner or operator can demonstrate to the Director, either in the post-closure plan or by petition, through the procedures in Section 725.218(c) or (f), as appropriate, that the disturbance:

1) Is necessary to the proposed use of the property and will not increase the potential hazard to human health or the environment; or

2) Is necessary to reduce a threat to human health or the environment.

d) All post-closure care activities must be performed in accordance with the provisions of the approved post-closure plan as specified in Section 725.218.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.218 Post-closure Plan; Amendment of Plan**

a) By May 19, 1981, the owner or operator of a disposal facility must have a written post-closure plan. He must keep a copy of the post-closure plan and all revisions to the plan at the facility until the post-closure care period begins. The post-closure plan must identify the activities which will be carried on after closure and the frequency of these activities and include at least:

1) A description of the planned groundwater monitoring activities and frequencies at which they will be performed to comply with Subpart F during the post-closure period;

2) A description of the planned maintenance activities and frequencies at which they will be performed to ensure:

A) The integrity of the cap and final cover or other containment structures as specified in Sections 725.323, 725.328, 725.380 and 725.410, where applicable; and

B) The function of the facility monitoring equipment as specified in Section 725.191; and

3) The name, address and phone number of the person or office to contact about the disposal facility during the post-closure care period. This person or office must keep an updated post-closure plan during the post-closure care period.

b) The owner or operator may amend his post-closure plan at any time during the active life of the disposal facility. The owner or operator must amend his plan any time changes in operating plans or facility design, or events which occur during the active life of the facility, affect his post-closure plan. The plan must be amended within 60 days after the changes or events occur.

c) The owner or operator of a disposal facility must submit his post-closure plan to the Director at least 180 days before the date he expects to begin closure. The date when he "expects to begin closure" should be immediately after the date on which he expects to receive the final volume of wastes. The owner or operator must submit his closure plan to the Director no later than 15 days after:

1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

2) Issuance of a judicial decree, Board order or compliance order under Section 3008 of RCRA to cease receiving wastes or close.

Comment: The date when closure commences should be within 30 days after the date on which the owner or operator expects to receive the final volume of wastes.

d) The Director will provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the plan and request modifications of the plan, including modification of the 30 year post-closure period required in Section 725.217 within 30 days of the date of the notice. He may also, in response to a request or at his own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure plan. The Director will give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) The Director will approve, modify or disapprove the plan within 90 days of its receipt. If the Director does not approve the plan, the owner or operator must modify the plan or submit a new plan for approval within 30 days. The Director will approve or modify this plan in writing within 60 days. If the Director modifies the plan, this modified plan becomes the approved post-closure plan. The Director must base his decision upon the criteria required of petitions under paragraph (f)(1(A) of this Section. A copy of this modified plan must be mailed to the owner or operator. If an owner or operator plans to begin closure before November 19, 1981, he must submit the post-closure plan by May 19, 1981.

e) The owner or operator may amend his post-closure plan during the post-closure care period. The owner or operator must amend his plan any time changes in monitoring or maintenance plans or events which occur during the post-closure care period affect the post-closure plan. The owner or operator must petition the Director within 60 days of the changes or events, under the procedures of paragraph (f) of this Section, to allow the plan to be modified.

f) The post-closure plan (or period) may be modified during the post-closure care period or at the end of the post-closure care period in either of the following two ways:

1) The owner or operator or any member of the public may petition the Director to extend or reduce the post-closure care period based on cause or alter the requirements of the post-closure care period based on cause.

A) The petition must include evidence demonstrating that:

i) The secure nature of the facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure plan (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advance technology or alternative disposal, treatment or re-use techniques indicate that the facility is secure), or

ii) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment.

B) These petitions will be considered by the Director only when they present new and relevant information not previously considered by the Director. Whenever the Director is considering a petition, he will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice. He will also, in response to a request or at his own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure plan. The Director will give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at

the same time as notice of the opportunity for written public comments and the two notices may be combined.) After considering the comments, he will issue a final determination, based upon the criteria set forth in subparagraph (1).

C) If the Director denies the petition, he will send the petitioner a brief written response giving a reason for the denial.

2) The Director may tentatively decide to modify the post-closure plan if he deems it necessary to prevent threats to human health and the environment. He may propose to extend or reduce the post-closure care period based on cause or alter the requirements of the post-closure care period based on cause.

A) The Director will provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice and the opportunity for a public hearing as in subparagraph (a)(1)(B) of this Section. After considering the comments, he will issue a final determination.

B) The Director will base his final determination upon the same criteria as required for petitions under paragraph (f)(1)(A) of this Section.

Comment: A modification of the post-closure plan may include where appropriate the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Director would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent threats to human health and the environment.

g) The procedures described in Sections 725.212-725.219 are in the nature of permit amendments. Amendment or refusal to amend the plan is a permit denial for purposes of appeal pursuant to Part 105 of Subtitle A. The Director may not amend permits in such a manner so that the permit would not conform with Board regulations. Where the requested amendment would conflict with Board regulations, a concurrent petition for variance or a site specific regulation must be filed pursuant to Parts 104 or 102 of Subtitle A.

Comment: Prior to codification, Parts 102, 104 and 105 of Subtitle A of Title 35 are Parts II, IV and V of the Procedural Rules.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.219 Notice to Local Land Authority**

Within 90 days after closure is completed, the owner or operator of a disposal facility must submit to the County Recorder and to the Director a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the County Recorder must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in Section 725.217(c). In addition, the owner or operator must submit to the Director and to the County Recorder a record of the type, location and quantity of hazardous waste disposed of within each cell or area of the facility. The owner or operator must identify the type, location and quantity of hazardous wastes disposed of within each cell or area of the facility. For wastes disposed of before these regulations were promulgated, the owner or operator must identify the type, location and quantity of the wastes to the best of his knowledge and in accordance with any records he has kept.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.220 Notice in Deed to Property**

The owner of the property on which a disposal facility is located must record with the County Recorder a notation on the deed to the facility property — or on some other instrument which is normally examined during title search — that will in perpetuity notify any potential purchaser of the property that:

a) The land has been used to manage hazardous waste, and

b) Its use is restricted under Section 725.217(c).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART H: FINANCIAL REQUIREMENTS

**Section 725.240 Applicability**

a) The requirements of Sections 725.242, 725.243, and 725.247 through 725.250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725.101.

b) The requirements of Section 725.244, 725.245 and 725.246 apply only to owners and operators of disposal facilities.

c) States and the Federal Government are exempt from the requirements of this Subpart.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 725.241 Definitions of Terms as Used in this Subpart**

a) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 725.212.

b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with Sections 725.242(a), (b) and (c).

c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with Sections 725.244(a), (b) and (c).

d) "Parent corporation" means a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of Sections 725.217 through 725.220.

f) The following terms are used in the specifications for the financial tests for closure, post-closure care and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

"Assets" mean all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" mean cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

g) In the liability insurance requirements the terms "bodily injury" and "property damage" shall have the meanings given these terms by applicable State law. However, these terms do not include those liabilities which, consistent with standard industry practice, are excluded from coverage in liability policies for bodily injury and property damage. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Nonsudden accidental occurrence" means an occurrence which takes place over time and involves continuous or repeated exposure.

"Sudden accidental occurrence" means an occurrence which is not continuous or repeated in nature.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 725.242 Cost Estimate for Facility Closure**

a) The owner or operator must prepare a written estimate, in current dollars, of the cost of closing the facility in accordance with the closure plan as specified in Section 725.212. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan.

b) The owner or operator must adjust the closure cost estimate for inflation within 30 days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made as specified in paragraphs (b)(1) and (b)(2) of this Section, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

c) The owner or operator must revise the closure cost estimate whenever a change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in Section 725.242(b).

d) The owner or operator must keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with Sections 725.242(a) and (c) and, when this estimate has been adjusted in accordance with Section 725.242(b), the latest adjusted closure cost estimate.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 725.243 Financial Assurance for Facility Closure**

The Board adopts by reference 40 CFR 265.143 financial assurance for facility closure.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 725.244 Cost Estimate for Post-closure Care**

a) The owner or operator of a disposal facility must prepare a written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in Section 725.217 through 725.220. The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Subpart G of Part 725.

b) During the operating life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within 30 days after each anniversary of the date on which the first post-closure cost estimate was prepared. The adjustment must be made as specified in paragraphs (b)(1) and (b)(2) of this Section, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1) The first adjustment is made by multiplying the post-closure estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

c) The owner or operator must revise the post-closure cost estimate during the operating life of the facility whenever a change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in Section 725.244(b).

d) The owner or operator must keep the following at the facility during the operating life of the facility: the latest post-closure costs estimate prepared in accordance with Sections 725.244(a) and (c) and, when this estimate has been adjusted in accordance with Section 725.244(b), the latest adjusted post-closure cost estimate.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 725.245 Financial Assurance for Post-closure Monitoring and Maintenance**

The Board adopts by reference 40 CFR 265.145 through 265.150. These will be referred to as Sections 725.245 through 725.250.

*(Source: Amended at 7 Ill. Reg. 14034, effective October 12, 1983)*

**Section 725.251 Promulgation of Forms**

The Agency may, pursuant to Section 39(a) of the Act, promulgate standardized forms consistent with this Subpart and 40 CFR 265, Subpart H. Any owner or operate required to establish financial assurance under this Subpart shall do so only upon the standardized forms promulgated by the Agency. The Agency may reject any financial assurance document which is not submitted on such standardized forms.

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

**Section 725.270 Applicability**

The regulations in this Subpart apply to owner and operators of all hazardous waste facilities that store containers of hazardous waste, except as Section 725.101 provides otherwise.

**Section 725.271 Condition of Containers**

If a container holding hazardous waste is not in good condition or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that it complies with the requirements of this Part.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.272 Compatibility of Waste with Container**

The owner or operator must use a container made of or lined with materials which 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.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.273 Management of Containers**

a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

b) A container holding hazardous waste must not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

Comment: Re-use of containers in transportation is governed by U.S. Department of Transportation regulations, including those set forth in 49 CFR 173.28.

**Section 725.274 Inspections**

The owner or operator must inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

Comment: See Section 725.271 for remedial action required if deterioration or leaks are detected.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.276 Special Requirements for Ignitable or Reactive Waste**

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

Comment: See Section 725.117(a) for additional requirements.

**Section 725.277 Special Requirements for Incompatible Wastes**

a) Incompatible wastes or incompatible wastes and materials (see Appendix V for examples) must not be placed in the same container, unless Section 725.117(b) is complied with.

b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see Appendix V for examples), unless Section 725.117(b) is complied with.

c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.

Comment: The purpose of this is to prevent fires, explosions, gaseous emissions, leaching or other discharge or hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.

## SUBPART J: TANKS

**Section 725.290 Applicability**

The regulations in this Subpart apply to owners and operators of facilities that use tanks to treat or store hazardous waste, except as Section 725.101 provides otherwise.

**Section 725.292 General Operating Requirements**

a) Treatment or storage of hazardous waste in tanks must comply with Section 725.117(b).

b) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail before the end of its intended life.

c) 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.

d) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., a waste feed cutoff system or bypass system to a standby tank).

Comment: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

**Section 725.293 Waste Analysis and Trial Tests**

In addition to the waste analysis required by Section 725.113, whenever a tank is to be used to:

a) Chemically treat or store a hazardous waste which is substantially different from waste previously treated or stored in that tank; or

b) Chemically treat hazardous waste with a substantially different process than any previously used in that tank; the owner or operator must, to show that this proposed treatment or storage will meet all applicable requirements of Section 725.292(a) and (b), before treating or storing the different waste or using the different process:

1) Conduct waste analyses and trial treatment or storage tests (e.g., bench scale or pilot plant scale tests); or

2) Obtain written, documented information on similar storage or treatment of similar waste under similar operating conditions.

Comment: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.298 and 725.299. As required by Section 725.173, the owner or operator must place the results from each waste analysis and trial test or the documented information in the operating record of the facility.

*(Source: Amended at 6 Ill. Reg. 4825, effective as noted in Section 700.106)*

**Section 725.294 Inspections**

The owner or operator of a tank must inspect, where present:

a) Discharge control equipment (e.g., waste feed cutoff systems, bypass systems and drainage systems) at least once each operating day to ensure that it is in good working order;

b) 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;

c) The level of waste in the tank, at least once each operating day to ensure compliance with Section 725.292(c);

d) The construction materials of the tank, at least weekly, to detect corrosion or leaking of fixtures or seams; and

e) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Comment: As required by Section 725.115(c) the owner or operator must remedy any deterioration or malfunction he finds.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.297 Closure**

At closure, all hazardous waste and hazardous waste residues must be removed from tanks, discharge control equipment and discharge confinement structures.

Comment: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 721.103(c) or (d) that any solid waste removed from his tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725.

**Section 725.298 Special Requirements for Ignitable or Reactive Waste**

a) Ignitable or reactive waste must not be placed in a tank, unless:

1) The waste is treated, rendered or mixed before or immediately after placement in the tank so that

A) The resulting waste, mixture and dissolution of material no longer meets the definition of ignitable or reactive waste under Sections 721.121 or 721.123, and

B) Section 725.117(b) is complied with; or

2) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

3) The tank is used solely for emergencies.

b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Table 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see Section 720.111).

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.299 Special Requirements for Incompatible Wastes**

a) Incompatible wastes or incompatible wastes and materials (see Appendix V for examples) must not be placed in the same tank unless Section 725.117(b) is complied with.

b) Hazardous waste must not be placed in an unwashed tank which previously held an incompatible waste or material unless Section 725.117(b) is complied with.

## SUBPART K: SURFACE IMPOUNDMENTS

**Section 725.320 Applicability**

The regulations in this Subpart apply to owners and operators of facilities that use surface impoundments to treat, store or dispose of hazardous waste, except as Section 725.101 provides otherwise.

**Section 725.322 General Operating Requirements**

A surface impoundment must maintain enough freeboard to prevent any overtopping of the dike by overfilling, wave action or a storm. There must be at least 60 centimeters (2 feet) of freeboard.

Comment: Any point source discharge from a surface impoundment to waters of the state is subject to the requirements of Section 12 of the Illinois Environmental Protection Act, as amended. Spills may be subject to Section 311 of the Clean Water Act.

**Section 725.323 Containment System**

All earthen dikes must have a protective cover, such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

**Section 725.325 Waste Analysis and Trial Tests**

In addition to the waste analyses required by Section 725.113, whenever a surface impoundment is to be used to:

a) Chemically treat a hazardous waste which is substantially different from waste previously treated in that impoundment; or

b) Chemically treat hazardous waste with a substantially different process than any previously used in that impoundment; the owner or operator must, before treating the different waste or using the different process:

1) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or

2) Obtain written, documented information or similar treatment of similar waste under similar operating conditions; to show that this treatment will comply with Section 725.117(b).

Comment: As required by Section 725.113 the waste analysis plan must include analyses needed to comply with Sections 725.329 and 725.330. As required by Section 725.173, the owner or operator must place the results from each waste analysis and trial test, or the documented information in the operating record of the facility.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.326 Inspections**

The owner or operator must inspect:

a) The freeboard level at least once each operating day to ensure compliance with Section 725.322 and

b) The surface impoundment, including dikes and vegetation surrounding the dike, at least once a week to detect any leaks, deterioration or failures in the impoundment.

Comment: As required by Section 725.115(c) the owner or operator must remedy any deterioration or malfunction he finds.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.328 Closure and Post-closure**

a) At closure, the owner or operator may elect to remove from the impoundment:

1) Standing liquids;

2) Waste and waste residues;

3) The liner, if any; and

4) Underlying and surrounding contaminated soil.

b) If the owner or operator removes all the impoundment materials in paragraph (a) of this Section, or can demonstrate under Section 721.103(c) and (d) that none of the materials listed in paragraph (a) of this Section remaining at any stage of removal are hazardous wastes, the impoundment is not further subject to the requirement of this Part.

Comment: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 721.103(c) or (d) that any solid waste removed from the surface impoundment is not a hazardous waste, he becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725. The surface impoundment may be subject to 40 CFR Part 257 even if it is not subject to this Part.

c) If the owner or operator does not remove all the impoundment materials in paragraph (a) of this Section or does not make the demonstration in paragraph (b) of this Section, he must close the impoundment and provide post-closure care as for a landfill under Subpart G and Section 725.410. If necessary to support the final cover specified in the approved closure plan, the owner or operator must treat remaining liquids, residues and soils by removal of liquids, drying or other means.

Comment: The closure requirements under Section 725.410 will vary with the amount and nature of the residue remaining, if any, and the degree of contamination of the underlying and surrounding soil. Section 725.217(d) allows the Director or Board to vary post-closure requirements.

**Section 725.329 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive waste must not be placed in a surface impoundment unless:

a) The waste is treated, rendered or mixed before or immediately after placement in the impoundment so that

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under Sections 721.121 or 721.123 and

2) Section 725.117(b) is complied with; or

b) The surface impoundment is used solely for emergencies.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.330 Special Requirements for Incompatible Wastes**

Imcompatible wastes, or incompatible waste and materials (see Appendix V for examples) must not be placed in the same surface impoundment, unless Section 725.117(b) is complied with.

## SUBPART L: WASTE PILES

**Section 725.350 Applicability**

The regulations in this Subpart apply to owners and operators of facilities that treat or store hazardous waste in piles, except as Section 725.101 provides otherwise. Alternatively, a pile of hazardous waste may be managed as a landfill under Subpart N.

**Section 725.351 Protection from Wind**

The owner or operator of a pile containing hazardous waste which could be subject to dispersal by wind must cover or otherwise manage the pile so that wind dispersal is controlled.

**Section 725.352 Waste Analysis**

a) In addition to the waste analyses required by Section 725.113 the owner or operator must analyze a representative sample of waste from each incoming movement before adding the waste to any existing pile unless:

   1) The only wastes the facility receives which are amenable to piling are compatible with each other; or

   2) The waste received is compatible with the waste in the pile to which it is to be added.

b) The analysis conducted must be capable of differentiating between the types of hazardous waste the owner or operator places in piles so that mixing of incompatible waste does not inadvertently occur. The analysis must include a visual comparison of color and texture.

   Comment: As required by Section 725.113 the waste analysis plan must include analyses needed to comply with Sections 725.356 and 725.357. As required by Section 725.173, the owner or operator must place the results of this analysis in the operating record of the facility.

   *(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.353 Containment**

If leachate or runoff from a pile is a hazardous waste, then either:

a) 1) The pile must be placed on an impermeable base that is compatible with the waste under the conditions of treatment or storage;

   2) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm;

   3) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm; and

   4) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously to maintain design capacity of the system; or

b) 1) The pile must be protected from precipitation and run-on by some other means; and

   2) No liquids or wastes containing free liquids may be placed in the pile.

   Board Note: If collected leachate or runoff is discharged through a point source to waters of the United States, it is subject to the requirements of Section 12 of the Illinois Environmental Protection Act, as amended.

   *(Source: Amended at 7 Ill. Reg. 14034, effective October 12, 1983)*

**Section 725.356 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive wastes must not be placed in a pile unless:

a) Addition of the waste to an existing pile

   1) Results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under Sections 721.121 or 721.123 and

   2) Complies with Section 725.117(b); or

b) The waste is managed in such a way that is protected from any material or conditions which may cause it to ignite or react.

   *(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.357 Special Requirements for Incompatible Wastes**

a) Incompatible wastes, or incompatible wastes and materials (see Appendix V for examples) must not be placed in the same pile unless Section 725.117(b) is complied with.

b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.

   Comment: The purpose of this is to prevent fires, explosions, gaseous emissions, leaching or other discharge of hazardous waste or hazardous waste constituents which could result from the contact or mixing of incompatible wastes or materials.

c) Hazardous waste must not be piled on the same area where incompatible wastes or materials were previously piled, unless that area has been decontaminated sufficiently to ensure compliance with Section 725.117(b).

**Section 725.358 Closure and Post-Closure Care**

a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies; or

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures and equipment as required in paragraph (a), the owner or oprator finds that not all contaminated subsoils can be practicably removed or decontaminated, it must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (Secton 725.410).

*(Source: Added at 7 Ill. Reg. 14034, effective October 12, 1983)*

## SUBPART M: LAND TREATMENT

### Section 725.370 Applicability

The regulations in this Subpart apply to owners and operators of hazardous waste land treatment facilities, except as Section 725.101 provides otherwise.

### Section 725.372 General Operating Requirements

a) Hazardous waste must not be placed in or on a land treatment facility unless the waste can be made less hazardous or non-hazardous by biological degradation or chemical reactions occurring in or on the soil.

b) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portions of the unit during peak discharge from at least a 25-year storm.

c) The owner or oprator must design, construct, operate and maintain a run-off management system capable of collecting and controlling a water volume at least equivalent to a 24-hour, 25-year storm.

d) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

e) If the treatment zone contains particulate matter which may be subject to wind dispersal the owner or operator must manage the unit to control wind dispersal.

*(Source: Amended at 7 Ill. Reg. 14034, effective October 12, 1983)*

### 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:

a) Determine the concentrations in the waste of any substances which exceed the maximum concentrations contained in Table I of Section 721.124 that cause a waste to exhibit the EP toxicity characteristic;

b) For any waste listed in Part 721, Subpart D, determine the concentrations of any substances which 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.

Comment: Part 721 specifies the substances for which a waste is listed as a hazardous 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 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

### Section 725.376 Food Chain Crops

a) An owner or operator of a hazardous waste land treatment facility on which food chain crops are being grown, or have been grown and will be grown in the future, must notify the Director by July 16, 1982.

(Board Note: The growth of food chain crops at a facility which has never before been used for this purpose is a significant change in process under 35 Ill. Adm. Code 703.155. Owners or operators of such land treatment facilities who propose to grow food chain crops after the effective date of this Part must comply with 35 Ill. Adm. Code 703.155.)

b)

1) Food chain crops must not be grown on the treated area of a hazardous waste land treatment facility unless the owner or operator can demonstrate, based on field testing, that any arsenic, lead, mercury or other constituents identified under Section 725.373(b):

A) Will not be transferred to the food portion of the crop by plant uptake or direct contact and will not otherwise be ingested by food chain animals (e.g., by grazing); or

B) Will not occur in greater concentrations in the crops grown on the land treatment facility than in the same crops grown on untreated soils under similar conditions in the same region.

2) The information necessary to make the demonstration required by paragraph (b)(1) must be kept at the facility and must, at a minimum:

A) Be based on tests for the specific waste and application rates being used at the facility; and

B) Include descriptions of crop and soil characteristics, sample selection, criteria, sample size determination, analytical methods and statistical procedures.

c) Food chain crops must not be grown on a land treatment facility receiving waste that contains cadmium unless all requirements of paragraph (c)(1)(A) through (C) or all requirements of paragraph (c)(2)(A) through (D) are met.

1)

A) The pH of the waste and soil mixture is 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

B) The annual application of cadmium from waste does not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables or root crops grown for human consumption. For other food chain crops the annual cadmium application rate does not exceed:

ANNUAL CADMIUM APPLICATION RATE
(kilograms per hectare)

| | |
|---|---|
| Present to June 30, 1984 | 2.0 |
| July 1, 1984 to December 31, 1986 | 1.25 |
| Beginning January 1, 1987 | 0.5 |

C) The cumulative application of cadmium from waste does not exceed the levels in either paragraph (c)(1)(C)(i) or paragraph (c)(1)(C)(ii).

i)

MAXIMUM CUMULATIVE APPLICATION OF CADMIUM
(kilograms per hectare)

FOR BACKGROUND SOIL pH LESS THAN 6.5

Soil cation exchange capacity
(milliequivalents per 100 grams)

| | |
|---|---|
| Less than 5 | 5 |
| 5 to 15 | 5 |
| Greater than 15 | 5 |

FOR BACKGROUND SOIL pH GREATER THAN 6.5

Soil cation exchange capacity
(milliequivalents per 100 grams)

| | |
|---|---|
| Less than 5 | 5 |
| 5 to 15 | 10 |
| Greater than 15 | 20 |

ii) For soils with a background pH of less than 6.5, the cumulative cadmium application rate does not exceed the levels below: provided, that the pH of the waste and soil mixture is adjusted to and maintained at 6.5 or greater whenever food chain crops are grown.

MAXIMUM CUMULATIVE APPLICATION OF CADMIUM
(kilograms per hectare)

FOR BACKGROUND SOIL pH LESS THAN 6.5 WITH pH ADJUSTMENT

Soil cation exchange capacity
(milliequivalents per 100 grams)

| | |
|---|---|
| Less than 5 | 5 |
| 5 to 15 | 10 |
| Greater than 15 | 20 |

2)

A) The only food chain crop produced is animal feed.

B) The pH of the waste and soil mixture is 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later and this pH level is maintained whenever food chain crops are grown.

C) There is a facility operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The facility operating plan describes the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain which may result from alternative land uses.

D) Future property owners are notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with paragraph (c)(2).

(Board Note: As required by Section 725.173, if an owner or operator grows food chain crops on his land treatment facility, he must place the information developed in this section in the operating record of the facility.)

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.378 Unsaturated Zone (Zone of Aeration) Monitoring**

a) The owner or operator must have in writing and must implement an unsaturated zone monitoring plan which is designed to:

1) Detect the vertical migration of hazardous waste and hazardous waste constituents under the active portion of the land treatment facility; and

2) Provide information on the background concentrations of the hazardous waste and hazardous waste constituents in similar but untreated soil nearby; this background monitoring must be conducted before or in conjunction with the monitoring required under paragraph (a)(1) of this Section.

b) The unsaturated zone monitoring plan must include, at a minimum:

1) Soil monitoring using soil cores and

2) Soil-pore water monitoring using devices such as lysimeters.

c) To comply with paragraph (a)(1) of this Section, the owner or operator must demonstrate in his unsaturated zone monitoring plan that:

1) The depth at which soil and soil-pore water samples are to be taken is below the depth to which the waste is incorporated into the soil;

2) The number of soil and soil-pore water samples to be taken is based on the variability of:

A) The hazardous waste constituents (as identified in Section 725.373(a) and (b)) in the waste and in the soil; and

B) The soil type(s); and

3) The frequency and timing of soil and soil-pore water sampling is based on the frequency, time and rate of waste application, proximity to ground water and soil permeability.

d) The owner or operator must keep at the facility his unsaturated zone monitoring plan and the rationale used in developing this plan.

e) The owner or operator must analyze the soil and soil-pore water samples for the hazardous waste constituents that were found in the waste during the waste analysis under Section 725.373(a) and (b).

Board Note: As required by Section 725.173 all data and information developed by the owner or operator under this Section must be placed in the operating record of the facility.

*(Source: Amended at 7 Ill. Reg. 14034, effective 10/12/83)*

**Section 725.379 Recordkeeping**

The owner or operator must include hazardous waste application dates and rates in the operating record required under Section 725.173.

*(Source: Amended at 7 Ill. Reg. 14034, effective 10/12/83)*

**Section 725.380 Closure and Post-closure**

a) In the closure plan under Section 725.212 and the post-closure plan under Section 725.218 the owner or operator must address the following objectives and indicate how they will be achieved:

1) Control of the migration of hazardous waste and hazardous waste constituents from the treated area into the groundwater;

2) Control of the release of contaminated runoff from the facility into surface water;

3) Control of the release of airborne particulate contaminants caused by wind erosion; and

4) Compliance with Section 725.376 concerning the growth of food chain crops.

b) The owner or operator must consider at least the following factors in addressing the closure and post-closure care objectives of paragraph (a) of this Section:

1) Type and amount of hazardous waste and hazardous waste constituents applied to the land treatment facility;

2) The mobility and the expected rate of migration of the hazardous waste and hazardous waste constituents;

3) Site location, topography and surrounding land use with respect to the potential effects of pollutant migration (e.g., proximity to groundwater, surface water and drinking water sources);

4) Climate, including amount, frequency and pH of precipitation;

5) Geological and soil profiles and surface and subsurface hydrology of the site and soil characteristics, including cation exchange capacity, total organic carbon and pH;

6) Unsaturated zone monitoring information obtained under Section 725.378; and

7) Type, concentration and depth of migration of hazardous waste constituents in the soil as compared to their background concentrations.

c) The owner or operator must consider at least the following methods in addressing the closure and post-closure care objectives of paragraph (a) of this Section:

1) Removal of contaminated soils;

2) Placement of a final cover, considering:

A) Functions of the cover (e.g., infiltration control, erosion and runoff control and wind erosion control); and

B) Characteristics of the cover, including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope and type of vegetation on the cover;

3) Monitoring of groundwater.

d) In addition to the requirements of Subpart G, during the closure period, the owner or operator of a land treatment facility must:

1) Continue unsaturated zone monitoring in a manner and frequency specified in the closure plan, except that soil pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone;

2) Maintain the run-on control system required under Section 725.372(b);

3) Maintain the run-off management system required under Section 725.372(c); and

4) Control wind dispersal of particulate which may be subject to wind dispersal.

e) For the purpose of complying with Section 725.215, when closure is completed the owner or operator may submit to the Agency certification both by the owner or operator and by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

f) In addition to the requirements of Section 725.217, during the post-closure care period the owner or operator of a land treatment unit must:

1) Continue soil-core monitoring by collecting and analyzing samples in a manner and frequency specified in the post-closure plan;

2) Restrict access to the unit as appropriate for its post-closure use;

3) Assure that food chain crops complies with Section 725.376; and

4) Control wind dispersal of hazardous waste.

*(Source: Amended at 7 Ill. Reg. 14034, effective 10/12/83)*

**Section 725.381 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive wastes must not be land treated, unless:

a) The waste is immediately incorporated into the soil so that:

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under Sections 725.121 or 35 Ill. Adm. Code 721.123; and

2) 35 Ill. Adm. Code 724.117(b) is complied with; or

b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

*(Source: Amended at 7 Ill. Reg. 14034, effective 10/12/83)*

**Section 725.382 Special Requirements for Incompatible Wastes**

Incompatible wastes or incompatible wastes and materials (see Appendix V for examples), must not be placed in the same land treatment area unless Section 725.117(b) is complied with.

## SUBPART N: LANDFILLS

**Section 725.400 Applicability**

The regulations in this Subpart apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as Section 725.101 provides otherwise. A waste pile used as a disposal facility is a landfill and is governed by this Subpart.

**Section 725.402 General Operating Requirements**

a) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

b) The owner or operator must design, contruct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

c) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

d) The owner or operator of a landfill containing hazardous waste which is subject to dispersal by wind must cover or otherwise manage the landfill so that wind dispersal of the hazardous waste is controlled.

Board Note: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.412 and 725.413. As required by Section 725.173, the owner or operator must place the results of these analyses in the operating record of the facility.

*(Source: Amended at 7 Ill. Reg. 14034, effective 10/12/83)*

**Section 725.409 Surveying and Recordkeeping**

The owner or operator of a landfill must maintain the following items in the operating record required in Section 725.173:

a) On a map, the exact location and dimensions, including depth of each cell with respect to permanently surveyed benchmarks; and

b) The contents of each cell and the approximate location of each hazardous waste type within each cell.

**Section 725.410 Closure and Post-closure**

a) The owner or operator must place a final cover over the landfill and the closure plan under Section 725.212 must specify the function and design of the cover. In the post-closure plan under Section 725.218 the owner or operator must include the post-closure care requirements of paragraph (d) of this Section.

b) In the closure and post-closure plans the owner or operator must address the following objectives and indicate how they will be achieved:

1) Control of pollutant migration from the facility via groundwater, surface water and air;

2) Control of surface water infiltration, including prevention of pooling; and

3) Prevention of erosion.

c) The owner or operator must consider at least the following factors in addressing the closure and post-closure care objectives of paragraph (b) of this Section:

1) Type and amount of hazardous waste and hazardous waste constituents in the landfill;

2) The mobility and the expected rate of migration of the hazardous waste and hazardous waste constituents;

3) Site location, topography and surrounding land use with respect to the potential effects of pollutant migration (e.g., proximity to groundwater, surface water and drinking water sources);

4) Climate, including amount, frequency and pH of precipitation;

5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope and type of vegetation on the cover; and

6) Geological and soil profiles and surface and subsurface hydrology of the site.

d) In addition to the requirements of Section 725.217, during the post-closure care period the owner or operator of a hazardous waste landfill must:

1) Maintain the function and integrity of the final cover as specified in the approved closure plan;

2) Maintain and monitor the leachate collection, removal and treatment system (if there is one present in the landfill) to prevent excess accumulation of leachate in the system;

Comment: If the collected leachate is a hazardous waste under Part 721 it must be managed as a hazardous waste in accordance with all applicable requirements of Parts 722, 723 and 725. If the collected leachate is discharged through a point source to waters of the State it is subject to the requirements of Section 12 of the Illinois Environmental Protection Act, as amended.

3) Maintain and monitor the gas collection and control system (if there is one present in the landfill) to control the vertical and horizontal escape of gases;

4) Protect and maintain surveyed benchmarks; and

5) Restrict access to the landfill as appropriate for its post-closure use.

**Section 725.412 Special Requirements for Ignitable or Reactive Waste**

a) Except as provided in paragraph (b) and in Section 725.416, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered or mixed before or immediately after placement in the landfill so that:

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 725.117(b) is complied with.

b) Ignitable wastes in containers may be landfilled without meeting the requirements of paragraph (a), provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes must be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

*(Source: Amended at 7 Ill. Reg. 14034, effective 10/12/83)*

**Section 725.413 Special Requirements for Incompatible Wastes**

Incompatible wastes or incompatible wastes and materials (see Appendix V for examples) must not be placed in the same landfill cell, unless Section 725.117(b) is complied with.

**Section 725.414 Special Requirements for Liquid Waste**

a) Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless:

1) The landfill has a liner and leachate collection and removal system which meets the requirements of 35 Ill. Adm. Code 724.401(a); or

2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid) so that free liquids are no longer present.

b) Containers holding free liquids must not be placed in a landfill unless:

1) All free-standing liquid:

A) Has been removed by decanting, or other methods; or

B) Has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or

C) Has been otherwise eliminated; or

2) The container is very small, such as an ampule; or

3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

4) The container is a lab pack as defined in Section 725.416 and is disposed of in accordance with Section 725.416.

c) Disposal of liquid wastes or wastes containing free liquids otherwise allowed under this Section must be authorized pursuant to 35 Ill. Adm. Code 709.401(a). As required by 35 Ill. Adm. Code 709.520(c), the Agency must require the addition of absorbents to any such waste, any provision of this Section notwithstanding.

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725.415 Special Requirements for Containers**

a) An empty container must be crushed flat, shredded or similarly reduced in volume before it is buried beneath the surface of a landfill.

b) The date for compliance with the Section is November 19, 1981.

**Section 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)**

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the waste held therein. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.

b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.

c) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in acccordance with Section 725.117(b).

d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.

e) Reactive waste, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraphs (a) through (d) of this Section. Cyanide- or sulfide-bearing reactive waste may be packaged in accordance with paragraphs (a) through (d) of this Section without first being treated or rendered non-reactive.

f) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

## SUBPART O: INCINERATORS

**Section 725.440 Applicability**

a) The regulations in this Subpart apply to owners or operators of facilities that treat hazardous waste in incinerators, except as Section 725.101 and paragraph (b) of this Section provide otherwise.

b) Owners and operators of incinerators burning hazardous waste are exempt from all of the requirements of this Subpart, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in Appendix VIII of 35 Ill. Adm. Code 721, and such documentation is retained at the facility, if the waste to be burned is:

1) Listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or

2) Listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, solely because it is reactive (Hazard Code R) for characteristics other than those listed in Sections 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or

3) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721; or

4) A hazardous waste solely because it possesses the reactivity characteristics described by Sections 721.123 (a)(1), (2), (3), (6), (7) or (8) and will not be burned when other hazardous wastes are present in the combustion zone.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 725.441 Waste Analysis**

In addition to the waste analyses required by Section 725.113, the owner or operator must sufficiently analyze any waste which he has not previously burned in his incinerator to enable him to establish steady state (normal) operating conditions (including waste and auxiliary fuel feed and air flow) and to determine the type of pollutants which might be emitted. At a minimum, the analysis must determine:

a) Heating value of the waste;

b) Halogen content and sulfur content in the waste; and

c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

Comment: 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.

**Section 725.445 General Operating Requirements**

During startup and shutdown of an incinerator, the owner or operator must not feed hazardous waste unless the incinerator is at steady state (normal) conditions of operation, including steady state operating temperature and air flow.

**Section 725.447 Monitoring and Inspection**

The owner or operator must conduct, as a minimum, the following monitoring and inspections when incinerating hazardous waste:

a) Existing instruments which relate to combustion and emission control must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state combustion conditions must be made immediately either automatically or by the operator. Instruments which relate to combustion and emission control would normally include those measuring waste feed, auxiliary fuel feed, air flow, incinerator temperature, scrubber flow, scrubber pH and relevant level controls.

b) The complete incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills and fugitive emissions and all emergency shutdown controls and system alarms must be checked to assure proper operation.

*(Source: Amended at 7 Ill. Reg. 2518, effective February 22, 1983)*

**Section 725.451 Closure**

At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including but not limited to ash, scrubber waters and scrubber sludges) from the incinerator.

Comment: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 721.103(d) that the residue removed from his incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722-725 and 40 CFR Part 266.

## SUBPART P: THERMAL TREATMENT

**Section 725.470 Applicability**

The regulations in this Subpart apply to owners and operators of facilities that thermally treat hazardous waste in devices other than incinerators, except as Section 725.101 provides otherwise. Thermal treatment in incinerators is subject to the requirements of Subpart O.

**Section 725.473 General Operating Requirements**

Before adding hazardous waste, the owner or operator must bring his thermal treatment process to steady state (normal) conditions of operation — including steady state operating temperature — using auxiliary fuel or other means, unless the process is a noncontinuous (batch) thermal treatment process which requires a complete thermal cycle to treat a discrete quantity of hazardous waste.

**Section 725.475 Waste Analysis**

In addition to the waste analyses required by Section 721.113, the owner or operator must sufficiently analyze any waste which he has not previously treated in his thermal process to enable him to establish steady state (normal) or other appropriate (for a noncontinuous process) operating conditions (including waste and auxiliary fuel feed) and to determine the type of pollutants which might be emitted. At a minimum, the analysis must determine:

a) Heating value of the waste;

b) Halogen content and sulfur content in the waste; and

c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

Comment: 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.

**Section 725.477 Monitoring and Inspections**

The owner or operator must conduct, as a minimum, the following monitoring and inspections when thermally treating hazardous waste:

a) Existing instruments which relate to temperature and emission control (if an emission control device is present) must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state or other appropriate thermal treatment conditions must be made immediately, either automatically or by the operator. Instruments which relate to temperature and emission control would normally include those measuring waste feed, auxiliary fuel feed, treatment process temperature and relevant process flow and level controls.

b) The stack plume (emissions), where present, must be observed visually at least hourly for normal appearance (color and opacity). The operator must immediately make any indicated operating corrections necessary to return any visible emissions to their normal appearance.

c) The complete thermal treatment process and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills and fugitive emissions, and all emergency shutdown controls and system alarms must be checked to assure proper operation.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.481 Closure**

At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash) from the thermal treatment process or equipment.

Comment: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 721.103 (c) or (d) that any solid waste removed from his thermal treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725.

**Section 725.482 Open Burning; Waste Explosives**

Open burning of hazardous waste is prohibited except for the open burning and detonation of waste explosives. Waste explosives include waste which has the potential to detonate and bulk military propellants which cannot safely be disposed of through other modes of treatment. Detonation is an explosion in which chemical transformation passes through the material faster than the speed of sound (0.33 kilometers/second at sea level). Owners or operators choosing to open burn or detonate waste explosives must do so in accordance with the following table and in a manner that does not threaten human health or the environment.

| Pounds of Waste Explosives or Propellants | Minimum Distance From Open Burning or Detonation To the Property of Others |
|---|---|
| 0 to 100 | 204 meters (670 feet) |
| 101 to 1,000 | 380 meters (1250 feet) |
| 1,001 to 10,000 | 530 meters (1730 feet) |
| 10,001 to 30,000 | 690 meters (2260 feet) |

## SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

**Section 725.500 Applicability**

The regulations in this Subpart apply to owners and operators of facilities which treat hazardous waste by chemical, physical or biological methods in other than tanks, surface impoundments and land treatment facilities, except as Section 725.101 provides otherwise. Chemical, physical and biological treatment of hazardous waste in tanks, surface impoundments and land treatment facilities must be conducted in accordance with Subparts J, K and M, respectively.

**Section 725.501 General Operating Requirements**

a) Chemical, physical or biological treatment of hazardous waste must comply with Section 725.117(b).

b) Hazardous waste treatment reagents must not be placed in the treatment process or equipment if they could cause the treatment process or equipment to rupture, leak, corrode or otherwise fail before the end of its intended life.

c) Where hazardous waste is continuously fed into a treatment process or equipment, the process or equipment must be equipped with a means to stop this inflow (e.g., a waste feed cutoff system or bypass system to a standby containment device.)

Comment: These systems are intended to be used in the event of a malfunction in the treatment process or equipment.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.502 Waste Analysis and Trial Tests**

a) In addition to the waste analysis required by Section 725.113, paragraph (b) applies whenever:

1) A hazardous waste which is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment; or

2) A substantially different process from any previously used at the facility is to be used to chemically treat hazardous waste.

b) To show that this proposed treatment will meet all applicable requirements of Section 725.501(a) and (b), the owner or operator must, before treating the different waste or using the different process or equipment:

1) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or

2) Obtain written, documented information on similar treatment of similar waste under similar operating conditions.

Comment: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.505 and 725.506. As required by Section 725.173, the owner or operator must place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.503 Inspections**

The owner or operator of a treatment facility must inspect, where present:

a) Discharge control and safety equipment (e.g., waste feed cutoff systems, bypass systems, drainage systems and pressure relief systems) at least once each operating day to ensure that it is in good working order;

b) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the treatment process or equipment is being operated according to its design;

c) The construction materials of the treatment process or equipment at least weekly to detect corrosion or leaking of fixtures or seams; and

d) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Comment: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction he finds.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.504 Closure**

At closure, all hazardous waste and hazardous waste residues must be removed from treatment processes or equipment, discharge control equipment and discharge confinement structures.

Comment: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 721.103 (c) or (d) that any solid waste removed from his treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.505 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive waste must not be placed in a treatment process or equipment unless:

a) The waste is treated, rendered or mixed before or immediately after placement in the treatment process or equipment so that

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under Section 721.121 or 721.123; and

2) Section 725.117(b) is complied with; or

b) The waste is treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

**Section 725.506 Special Requirements for Incompatible Wastes**

a) Incompatible wastes or incompatible wastes and materials (see Appendix V for examples) must not be placed in the same treatment process or equipment unless Section 725.117(b) is complied with.

b) Hazardous waste must not be placed in unwashed treatment equipment which previously held an incompatible waste or material, unless Section 725.117(b) is complied with.

*(Source: Amended at 6 Ill. Reg. 4828, effective as noted in Section 700.106)*

## SUBPART R: UNDERGROUND INJECTION

**Section 725.530 Applicability**

Except as Section 725.101 provides otherwise:

a) the owner or operator of a facility which diposes of hazardous waste by underground injection is excluded from the requirements of Subpart G and H of this Part.

b) the requirements of this Subpart apply to owners and operators of wells used to dispose of hazardous waste which are classified as Class I under 35 Ill. Adm. Code 704.106(a) and which are classified as Class IV under 35 Ill. Adm. Code 704.106(d).

(Board Note: In addition to the requirements of Subpart A through E of this Part, the owner or operator of a facility which disposes of hazardous waste by underground injection ultimately must comply with the requirements of Sections 725.531 - 725.537. These Sections are reserved at this time. The USEPA intends to submit proposed regulations at a later date that would establish those requirements.)

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

## APPENDICES

**Section 725. Appendix A Recordkeeping Instructions**
See Appendix I to 40 CFR Part 265

**Section 725. Appendix B EPA Report Form and Instructions (Repealed)**

*(Source: Amended at 9 Ill. Reg. 11869, effective July 24, 1985)*

**Section 725. Appendix C EPA Interim Primary Drinking Water Standards**
See Appendix III to 40 CFR Part 265

**Section 725. Appendix D Tests for Significance**
See Appendix IV to 40 CFR Part 265

**Section 725. Appendix E Examples of Potentially Incompatible Waste**
See Appendix V to 40 CFR Part 265

*(Source: Amended at 7 Ill. Reg. 14034, effective October 12, 1983)*

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 729
LANDFILLS: PROHIBITED HAZARDOUS WASTES

SUBPART A: GENERAL


| Section | |
|---|---|
| 729.100 | Purpose, Scope and Applicability |
| 729.101 | Severability |


SUBPART B: HALOGENATED SOLVENTS


| Section | |
|---|---|
| 729.200 | Purpose, Scope and Applicability |
| 729.201 | No Circumvention |
| 729.202 | Incorporations by Reference |
| 729.203 | Waste Analysis Plan |
| 729.204 | Land Treatment Demonstration |
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| 729.220 | Definitions |
| 729.221 | Halogenated Compound—Definition |
| 729.222 | Halogenated Solvent—Definition |
| 729.223 | Halogen Content Presumption |
| 729.224 | Partition Presumption |
| 729.240 | Non-aqueous Liquid Phases which are Halogenated Solvents |
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SUBPART C: LIQUID HAZARDOUS WASTES


| Section | |
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| 729.313 | Biodegradable Absorbents |
| 729.320 | Test for Liquids |
| 729.321 | Load-bearing Capacity Test |


*AUTHORITY: Implementing Sections 22(g), 22.4(b) and 22.6 and authorized by Sections 22.6 and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022(g), 1022.4(b) and 1027, and Supp. to Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1022.6).*

*SOURCE: Emergency rule adopted in R83-28A at 8 Ill. Reg. 12668, effective July 5, 1984 for a maximum of 150 days; adopted in R81-25 at 8 Ill. Reg. 24124, effective December 4, 1984; amended in R83-28B at 9 Ill. Reg. 718, effective January 3, 1985.*

*NOTE: Capitalization is used to indicate that the language quotes or paraphrases a statute.*

SUBPART A: GENERAL

**Section 729.100 Purpose, Scope and Applicability**

a) The purpose of this Part is to prohibit the disposal of certain hazardous wastes in landfills. "Hazardous waste" is as defined in 35 Ill. Adm. Code 721. Part 709 requires wastestream authorizations for certain wastestreams.

b) Unless otherwise indicated, the requirements of this Part apply to all landfills, or "sanitary landfills" as defined in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001 et seq.). Landfills include both non-hazardous and hazardous waste landfills permitted under Sections 21(d) or 21(f) of the Act. Unless otherwise indicated, "landfills" includes surface impoundments and waste piles in which waste residues are expected to remain after closure, and land application.

c) The provisions of 35 Ill. Adm. Code 721.105 notwithstanding, the landfilling prohibitions of this Part apply to all persons, including small quantity generators, unless otherwise indicated in this Part.

d) The landfilling prohibitions of this Part do not apply to residues of hazardous waste in containers, or empty liners removed from containers, as defined in 35 Ill. Adm. Code 721.107.

e) The provisions of this Part are intended to supplement the requirements of 35 Ill. Adm. Code 722, 723, 724, 725, 807 and 809. No provisions of those regulations should be read as permitting the disposal of any hazardous waste in any manner prohibited under this Part.

f) The provisions of this Part are intended to proscribe any conduct by generators, transporters, treaters or disposers of waste which results in placement of a prohibited waste in a landfill.

*(Source: Amended at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.101 Severability**

If any provision of this Part is adjudged invalid, or if the application to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole, or of any Subpart, Section, paragraph, sentence or clause which has not been adjudged invalid.

SUBPART B: HALOGENATED SOLVENTS

**Section 729.200 Purpose, Scope and Applicability**

a) This Subpart prohibits the landfilling of wastes containing halogenated compounds. Rules are included to differentiate these from other wastes.

b) Halogenated compounds are a class of organic solvents. As a class halogenated compounds are not very soluble in water; therefore, in a complex system, they will be found in a non-aqueous phase associated with any other organic solvents present. This Subpart assumes that any halogenated compounds present will be more concentrated in any non-aqueous liquid phase. The halogen concentration in the non-aqueous liquid phase is used to determine whether the phase should be regulated as an halogenated solvent or as an organic solvent.

c) Organic solvent phases, whether they include halogenated compounds or not, pose a threat to the impermeability of clay and synthetic landfill liners.

d) Aqueous solutions of halogenated compounds placed directly into the landfill, could damage synthetic liners and move into groundwater.

e) Because of their differing impacts on landfills, the Board intends to encourage the separation prior to disposal of phases in multiphase wastes, and intends to encourage the separation of wastestreams during generation to avoid the formation of multiphase wastes.

**Section 729.201 No Circumvention**

a) No person shall cause or allow the mixing or dilution of wastes containing halogenated compounds in order to evade the landfilling prohibitions of this Subpart.

b) For purposes of determining quantity exemptions, any waste which is transferred prior to ultimate disposal shall be attributed to the last person who used the solvent.

**Section 729.202 Incorporations by Reference**

a) The following materials are incorporated by reference: American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

1) ASTM D2361-66 (Reapproved 1978)

2) ASTM E442-74 (Reapproved 1981)

b) This Part incorporates no future editions or amendments.

**Section 729.203 Waste Analysis Plan**

The owner or operator of a landfill disposing of hazardous waste must, within thirty days after the effective date of this section, develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to ensure that the facility complies with the prohibition stated in this Subpart. The owner or operator must keep this plan at the facility. A copy of the plan shall be submitted to the Agency within thirty days after the effective date of this section.

**Section 729.204 Land Treatment Demonstration**

This Subpart shall not bar the issuance of a RCRA permit pursuant to Section 21(f) of the Act and 35 Ill. Adm. Code 703 for land treatment of hazardous waste if the owner or operator demonstrates, pursuant to 35 Ill. Adm. Code 703.206, 703.230 and 724.372, that any halogenated compounds in the waste will be completely degraded, transformed or immobilized in the treatment zone.

**Section 729.205 Effect on Wastestream Authorizations and Supplemental Permits (Repealed)**

*(Source: Repealed at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.220 Definitions**

As used in this Subpart, terms have the following meanings:

Aqueous phase: A "phase" in which water is the solvent, constituting more than 500 g/kg.

Component: An element or compound present in a "phase" or "system".

Emulsion: A "system", including two or more liquid "phases", which is not separated into layers. For purposes of this Subpart, an emulsion which does not form layers within one hour is one phase.

Liquid: A waste, or part of a waste, which yields any fluid when subjected to the paint filter test described in Section 729.320.

Non-aqueous phase: A "phase" which contains 500 g/kg or less of water.

One-phase system: A "system" with one and only one "phase".

Phase: A physically distinct portion of a dispersion or solution which at least in principle could be mechanically separated from the remainder of the material. For purposes of this Subpart, a container is not a phase, nor is a vapor above a waste. Emulsions and suspensions are a single phase if they do not form layers within one hour.

Solid: A waste, or part of a waste, which contains no free liquid as determined from the paint filter test described in Section 729.320.

Suspension: A "system", including a "solid" phase and a "liquid" phase, which is not separated into layers. For purposes of this Subpart, a suspension which does not form layers within one hour is one phase.

System: A single isolated "phase" or a set of two or more "phases" which are in physical contact.

TOX test: Either of the tests for total organic halogen incorporated by reference in Section 729.202. ASTM D2361-66 (Reapproved 1978) or ASTM E442-74 (Reapproved 1981).

Two-phase system: A "system" with two "phases".

**Section 729.221 Halogenated Compound—Definition**

As used in this Subpart, the term "halogenated compound" shall mean any of the following chemicals:

| | |
|---|---|
| B010 | benzene, chloro- |
| B020 | benzene, 1,2-dichloro- |
| B090 | carbon tetrachloride |
| B030 | chlorinated fluorocarbons |
| B040 | ethane, 1,1,1-trichloro- |
| B050 | ethane, 1,1,2-trichloro-1,2,2-trifluoro- |
| B060 | ethene, tetrachloro- |
| B070 | ethene, trichloro- |
| B070 | ethinyl trichloride |
| B080 | methane, dichloro- |
| B090 | methane, tetrachloro- |
| B100 | methane, trichlorofluoro- |
| B040 | methyl chloroform |
| B080 | methylene chloride |
| B080 | methylene dichloride |
| B020 | orthodichlorobenzene |
| B060 | perchloroethylene |
| B010 | phenyl chloride |
| B060 | tetrachloroethylene |
| B070 | trichloroethylene |
| B100 | trichloromonofluoromethane |

**Section 729.222 Halogenated Solvent—Definition**

An "halogenated solvent" is a non-aqueous liquid phase containing more than 14,000 mg of halogenated compounds in any 1 kg.

**Section 729.223 Halogen Content Presumption**

A non-aqueous liquid phase containing 10,000 mg/kg, or more, total organic halogen, as measured by the TOX test, is assumed to be an halogenated solvent unless it is shown, by a more definitive test whose validity is demonstrated to the Agency, that less than 14,000 mg of the halogenated compounds listed in Section 729.221 are present in any 1 kg of the phase.

**Section 729.224 Partition Presumotion**

It is assumed that, in a multi-phase system, the concentration of halogenated compounds and the total organic halogen concentration in any non-aqueous phase exceeds the concentration of halogenated compounds and the total organic halogen concentration, respectively, in the entire system and in any aqueous phase, unless the contrary is shown by a test whose validity is demonstrated to the Agency.

**Section 729.240 Non-aqueous Liquid Phases which are Halogenated Solvents**

No person shall cause or allow any hazardous waste containing a non-aqueous liquid phase which is an halogenated solvent to be placed in any landfill.

**Section 729.241 Aqueous Solutions of Halogenated Compounds**

a) No person shall cause or allow to be placed in any landfill any hazardous waste containing an aqueous liquid phase containing more than 14,000 mg of halogenated compounds in any 1 kg.

b) An aqueous liquid phase containing more than 10,000 mg of total organic halogen, as measured by the TOX test, in any 1 kg is assumed to contain more than 14,000 mg of halogenated compounds per kilogram, unless the contrary is shown by a more definitive test whose validity is demonstrated to the Agency.

**Section 729.242 Solids Containing Halogenated Compounds**

a) No person shall cause or allow any hazardous waste which is a solid to be placed in any landfill if the waste forms a non-aqueous liquid phase which is an halogenated solvent when a representative sample of the waste is mixed with water.

b) The prohibition of paragraph (a) shall become effective on July 1, 1986.

**Section 729.262 Recycling Residues**

This Subpart does not apply to sludges and still bottoms produced from recycling of halogenated solvents in which at least 30% of the waste is recovered for reuse. This exemption shall expire on July 1, 1986.

**Section 729.263 Small Quantity Generators**

This Subpart applies only to hazardous waste for which a manifest would have to be prepared pursuant to 35 Ill. Adm. Code 722.120 or 809.501 if the waste were transported off the site or facility.

## SUBPART C: LIQUID HAZARDOUS WASTES

**Section 729.301 Definitions**

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001 et seq.)

"Agency" means the Illinois Environmental Protection Agency

"Board" means the Illinois Pollution Control Board

"Generator" is as defined in 35 Ill. Adm. Code 720.110

"Hazardous Waste" is a hazardous waste as defined at 35 Ill. Adm. Code 721.103

"Labwaste" is a liquid hazardous waste generated by an activity in a laboratory engaged in teaching, testing or research, in a quantity totaling less than 100 kg per month for the activity. Wastes which are periodically produced as a result of a production process are not "labwaste".

"LANDFILL" IS A DISPOSAL UNIT OR PART OF A FACILITY WHERE HAZARDOUS WASTE IS PLACED IN OR ON LAND AND WHICH IS NOT A LAND TREATMENT UNIT, A SURFACE IMPOUNDMENT OR AN UNDERGROUND INJECTION WELL. (Section 22.6(d) of the Act)

"Liquid hazardous waste" is a hazardous waste which yields any fluid when subjected to the test procedure described in Section 729.320.

"Non-periodic waste" is a liquid hazardous waste in a quantity of less than 100 kg which will not be generated again by that generator.

"Original generator" is a person who generates hazardous waste as a result of an activity or production process other than the treatment of hazardous waste.

"Residual" is any material other than a gas which remains after, or is generated by, the treatment of a liquid hazardous waste. A "residual" may itself be a "liquid hazardous waste".

"Treater" is a person who engages in treatment of hazardous waste. A "treater" may be a "generator", but may not be the "original generator".

"Treatment" is treatment as defined at 35 Ill. Adm. Code 720.110. 35 Ill. Adm. Code 703.123(h) and 724.101(g)(10) notwithstanding, as used in this Subpart, "treatment" specifically includes the addition of absorbent materials to a liquid hazardous waste or vice versa. Provided, however, that "treatment" shall not include those activities carried out to immediately contain or treat a spill of a liquid hazardous waste or a material which, when spilled, becomes a liquid hazardous waste, to the extent such treatment meets the exemption of 35 Ill. Adm. Code 724.101(g)(8) or 725.101(c)(11), whichever is applicable.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.302 Waste Analysis Plan**

The owner or operator of a landfill disposing of hazardous waste must develop and follow a written waste analysis plan which describes the procedures which he will carry out to ensure that the facility complies with the prohibition stated in Section 729.310. He must keep this plan at the facility. A copy of the plan shall be submitted to the Agency.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.303 Incorporations by Reference**

a) The following materials are incorporated by reference: 49 CFR 173, 178 and 179 (1984).

b) This Part incorporates no future editions or amendments.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.310 Liquid Hazardous Waste Restriction**

a) Liquids: NO PERSON SHALL CAUSE, THREATEN OR ALLOW THE DISPOSAL IN A LANDFILL OF ANY LIQUID HAZARDOUS WASTE, UNLESS THE GENERATOR HAS DEMONSTRATED THAT,

CONSIDERING CURRENT TECHNOLOGICAL FEASIBILITY AND ECONOMIC REASONABLENESS, THE HAZARDOUS WASTE CANNOT BE REASONABLY SOLIDIFIED, STABILIZED OR RECYCLED FOR REUSE, NOR INCINERATED OR CHEMICALLY, PHYSICALLY OR BIOLOGICALLY TREATED SO AS TO NEUTRALIZE THE HAZARDOUS WASTE AND RENDER IT NONHAZARDOUS. (Sections 22.6(a) and 22.6(c) of the Act)

b) Residuals: No person shall engage in the treatment of a liquid hazardous waste and cause, threaten or allow the disposal in a landfill of a residual from such treatment unless the residual meets one of the following standards.

1) Non-hazardous Residuals: The residual may be landfilled if it no longer meets the definition of "hazardous waste".

2) Liquid Removal: For wastes in which treatment is accomplished only through extraction, volatilization, evaporation, thermal destruction or other removal of liquids, the residual may be landfilled if it no longer meets the definition of "liquid hazardous waste".

3) Solidification: The residual may be landfilled if it no longer meets the definition of "liquid hazardous waste" and possesses a load-bearing capacity of at least 2.0 tons per square foot as determined by application of the test procedure described in Section 729.321.

c) No person shall cause, threaten or allow the disposal in a landfill of a residual from the treatment of a liquid hazardous waste which does not meet one of the standards of paragraph (b), and for which the Agency has not issued a wastestream authorization pursuant to 35 Ill. Adm. Code 709.401(a). Reasonable reliance on a generator's description of the waste shall be a complete defense to violation of this paragraph.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.311 Prohibition of Non-hazardous Liquids in Hazardous Waste Landfills**

No person shall cause, threaten or allow the placement into a landfill permitted to receive hazardous waste of any non-hazardous waste which yields any fluids when subjected to the test procedure described in Section 729.320.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.312 Labpacks**

a) Neither labwaste nor non-periodic waste is subject to the restriction of Section 729.310 or Section 22.6 of the Act if it is in a labpack.

b) A labpack is a drum containing small containers of hazardous waste meeting the following criteria:

1) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material which will not react dangerously with, be decomposed by or be ignited by the contained waste. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179 (1984)), if those regulations specify a particular inside container for the waste.

2) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179 (1984)) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.

3) In accordance with 35 Ill. Adm. Code 724.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers.

4) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.

5) Reactive wastes, other than cyanide or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraphs (1) through (4). Cyanide and sulfide-bearing reactive waste may be packed in accordance with paragraphs (1) through (4) without first being treated or rendered non-reactive.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.313 Biodegradable Absorbents**

No person shall cause, threaten or allow the disposal in any landfill of any liquid hazardous waste containing an absorbent material which, because of microbial action, will degrade faster than the waste.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.320 Test for Liquids**

a) Apparatus

1) Ringstand approximately 10 cm in diameter

2) 100 ml graduated cylinder

3) 400 micron conical paint filter approximately 15 cm in diameter

4) Watch glass.

b) Procedure

1) Collect a 100 ml representative sample of the hazardous waste.

2) Mix the sample thoroughly.

3) Bring the sample and the filter to a temperature of not less than 20 degrees C (68 degrees F) and to ambient pressure.

4) Place the filter in the ringstand.

5) Place the sample in the filter and cover with the watch glass.

6) Maintain the sample and the filter at the temperature and pressure specified in paragraph (3) for five minutes.

7) Observe whether any fluid portion of the sample drops from the bottom of the filter during the period of time specified in paragraph (6).

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

**Section 729.321 Load-bearing Capacity Test**

a) Apparatus: Soil penetrometer with a range of 0 to 4.5 tons per square foot

b) Procedure

1) Collect a representative sample of the treatment residual. If the material is a monolithic solid proceed to step (2). If the material is granular it should be compacted.

2) Grasp the penetrometer by the handle and push the point into the sample by hand, at a constant rate, up to the calibration mark.

3) Read the unconfined compressive strength on the low-load side of the indicator ring.

4) Return indicator ring to initial position for the next test.

5) Repeat the test at least 3 times and average the result.

*(Source: Added at 9 Ill. Reg. 718, effective January 3, 1985)*

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL PROGRAM

# Part 730
# UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

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## SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO CLASS I WELLS


| Section | |
|---|---|
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## SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II WELLS


| Section | |
|---|---|
| 730.121 | Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals |


## SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS


| Section | |
|---|---|
| 730.131 | Applicability |
| 730.132 | Construction Requirements |
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## SUBPART F: CRITERIA AND STANDARDS APPLICABLE TO CLASS V INJECTION WELLS


| Section | |
|---|---|
| 730.151 | Applicability |
| 730.152 | Inventory and Assessment |


*AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981 ch. 111 1/2, pars. 1013,1022.4 and 1027).*

*SOURCE: Adopted at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106.*

## SUBPART A: GENERAL

### Section 730.101 Applicability, Scope and Effective Date

a) This part sets forth technical criteria and standards for the Underground Injection Control (UIC) Program. This part should be read in conjunction with 35 Ill. Adm. Code 702, 704 and 705 which also apply to the UIC program. 35 Ill. Adm. Code 702 and 704 prescribe the regulatory requirements for the UIC permit program. 35 Ill. Adm. Code 705 describes the procedures the Illinois Environmental Protection Agency (Agency) will use for issuing UIC permits.

b) On and after the date of approval by the United States Environmental Protection Agency (USEPA) of the Illinois UIC program, any underground injection which is not authorized by rule or by permit is unlawful.

### Section 730.102 Laws Authorizing Regulations

The laws authorizing these regulations and all other UIC program regulations are included in the Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1001), as amended.

### Section 730.103 Definitions

The following definitions apply to the underground injection control program.

"Abandoned well" means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or his designee.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" means the area surrounding an "injection well" described according to the criteria set forth in Sec. 730.106 or, in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in Sec. 730.106.

"Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water gas, or other fluid from entering or leaving the hole.

"Catastrophic collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

"Cementing" means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

"Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

"Confining zone" means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

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

"Conventional mine" means an open pit or underground excavation for the production of minerals.

"Date of approval by USEPA of the Illinois UIC program" means the date on which "USEPA" delegates primacy for the "UIC" program for Class I, III, IV and V wells to the State of Illinois pursuant to Section 1422 of the "SDWA" and 40 CFR 123.

"Director" means the Director of the Illinois Environmental Protection Agency or his designee.

"Disposal well" means a well used for the disposal of waste into a subsurface stratum.

"Effective date of the UIC program" means the "date of approval by USEPA of the Illinois UIC program."

"Environmental Protection Act" means the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1001), as amended.

"EPA" means the United States Environmental Protection Agency.

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

"Existing injection well" means an "injection well" other than a "new injection well."

"Experimental technology" means a technology which has not been proven feasible under the conditions in which it is being tested.

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

"Fault" means a surface or zone of rock fracture along which there has been displacement.

"Flow rate" means the volume per unit time of the flow of a gas or other fluid substance which emerges from an orifice, pump or turbine or which passes along a conduit or channel.

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

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

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

"Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" means water below the land surface in a zone of saturation.

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

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

"HWM facility" means "Hazardous Waste Management facility."

"Illinois" means the State of Illinois.

"Injection well" means a "well" into which "fluids" are being injected.

"Injection zone" means a geological "formation," group of formations or part of a formation receiving fluids through a well.

"Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA, UIC, Environmental Protection Act or 404 programs.

"Packer" means a device lowered into a well which can be expanded to produce a fluid-tight seal.

"Permit" means an authorization, license or equivalent control document issued by the Agency to implement the requirements of this part and 35 Ill. Adm. Code 702 through 705. Permit does not include RCRA interim status, (35 Ill. Adm. Code 703, Subpart C), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit which has not yet been the subject of final Agency action, such as a "draft permit" or a "proposed permit."

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

"Plugging record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness and location of plugging structures.

"Pressure" means the total load or force per unit area acting on a surface.

"Project" means a group of wells in a single operation.

"Radioactive Waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. 6901.)

"SDWA" means the Safe Drinking Water Act (Pub. L. 95-523, as amended by Pub. L. 95-190, 42 U.S.C. 300(f)).

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

"Sole or principal source aquifer" means an aquifer which has been designated by the Administrator pursuant to sections 1424(a) or (3) of the SDWA.

"State" means the State of Illinois.

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

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure, removal of underlying supporting material by mining or solution of solids, either artifically or from natural causes; compaction due to wetting (Hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

"Surface casing" means the first string of well casing to be installed in the well.

"Total dissolved solids" ("TDS") means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.

"UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including the approved Illinois program.

"Underground injection" means a "well injection."

"Underground source of drinking water" ("USDW") means an "aquifer" or its portion:

Which supplies any public water system; or

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

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

Which is not an exempted "aquifer".

"USDW" means "underground source of drinking water."

"Well" means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

"Well plug" means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

"Well stimulation" means several processes used to clean the well bore, enlarge channels and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes surging, jetting, blasting, acidizing and hydraulic fracturing.

"Well monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in Ill. Adm. Code 700.106)*

**Section 730.104 Criteria for Exempted Aquifers**

An aquifer or a portion thereof which meets the criteria for an "underground source of drinking water" in Section 730.103 may be determined by the Board under 35 Ill. Adm. Code 704.103, 704.123 and 702.105 to be an "exempted aquifer" if it meets the following criteria:

a) It does not currently serve as a source of drinking water; and

b) It cannot now and will not in the future serve as a source of drinking water because:

1) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible;

2) It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;

3) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or

c) The total dissolved solids content of the groundwater is more than 3,000 and less than 10,000 mg/l and is not reasonably expected to supply a public water system.

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 730.105 Classification of Injection Wells**

Injection wells are classified as follows:

a) Class I.

1) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lower most formation containing, within 402 meters (1/4 mile) of the well bore, an underground source of drinking water.

2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within 402 meters (1/4 mile) of the well bore, an underground source of drinking water.

b) Class II. Wells which inject fluids:

1) Which are brought to the surface in connection with conventional oil or natural gas production; and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

2) For enhanced recovery of oil or natural gas; and

3) For storage of hydrocarbons which are liquid at standard temperature and pressure.

c) Class III. Wells which inject for extraction of minerals, including:

1) Mining of sulfur by the Frasch process;

2) In situ production of uranium or other metals. This category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V.

3) Solution mining of salts or potash.

(Board Note: Class III wells include the recovery of geothermal energy to produce electric power but do

not include wells used in heating or aquaculture which fall under Class V.)

d) Class IV.

1) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into or above a formation which within 402 meters (1/4 mile) of the well contains an underground source of drinking water.

2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within 402 meters (1/4 mile) of the well contains an underground source of drinking water.

3) Wells used be generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under 35 Ill. Adm. Code 730.105(a)(1) or 730.105(d)(1) and (d)(2) (e.g., wells used to dispose of hazardous wastes into or above a formation which contains an aquifer which has been exempted pursuant to 35 Ill. Adm. Code 730.104.

e) Class V. Injection wells not included in Class I, II, III or IV.

Class V wells includes:

1) Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump;

2) Cesspools, including multiple dwelling, community or regional cesspools, or other devices that receive wastes, which have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools or to non-residential cesspools which receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;

3) Cooling water return flow wells used to inject water previously used for cooling;

4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

5) Dry wells used for the injection of wastes into a subsurface formation;

6) Recharge wells used to replenish the water in an aquifer;

7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;

9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to non-residential septic system wells which are used solely for the disposal of sanitary waste and have the capacity to serve fewer than 20 persons a day.

10) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;

11) Radioactive waste disposal wells other than Class IV;

12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture or production of electric power;

13) Wells used for solution mining of conventional mines such as stopes leaching;

14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; and

15) Injection wells used in experimental technologies.

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 730.106 Area of Review**

The area of review for each injection well or each field, project or area in Illinois shall be determined according to either paragraph (a) or (b). The Agency may solicit input from the owners or operators of injection wells within Illinois as to which method is most appropriate for each geographic area or field.

a) Zone of endangering influence.

1) The zone of endangering influence shall be:

A) In the case of an application for a well permit under 35 Ill. Adm. Code 704.161, that area the radius of which is the lateral distance in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water; or

B) In the case of an application for an area permit under 35 Ill. Adm. Code 704.162, the project area plus a circumscribing area the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water.

2) Computation of the zone of endangering influence may be based upon the parameters listed below and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified Theis equation illustrates one form which the mathematical model may take.

$$r = \frac{(2.25\ K\ H\ t)^{1/2}}{(S\ 10^{X})^{1/2}}$$

where:

$$X = \frac{4\ Pi\ K\ H\ (W - BG)}{2.3\ Q}$$

r = Radius of endangering influence from injection well (length)

K = Hydraulic conductivity of the injection zone (length/time)

H = Thickness of the injection zone (length)

t = Time of injection (time)

S = Storage coefficient (dimensionless)

Q = Injection rate (volume/time)

B = Observed original hydrostatic head of injection zone (length) measured from the base of the lowermost underground source of drinking water

W = Hydrostatic head of underground source of drinking water (length) measured from the base of the lowest underground source of drinking water

G = Specific gravity of fluid in the injection zone (dimensionless)

Pi = 3.142 (dimensionless)

3) The above equation is based on the following assumptions:

A) The injection zone is homogenous and isotropic;

B) The injection zone has infinite area extent;

C) The injection well penetrates the entire thickness of the injection zone;

D) The well diameter is infinitesimal compared to "r" when injection time is longer than a few minutes; and

E) The emplacement of fluid into the injection zone creates instantaneous increase in pressure.

b) Fixed Radius.

1) In the case of an application for a well permit under 35 Ill. Adm. Code 704.161 a fixed radius around the well of not less than 402 meters (1/4 mile) may be used.

2) In the case of an application for an area permit under 35 Ill. Adm. Code 704.162 a fixed width of not less than 402 meters (1/4 mile) for the circumscribing area may be used.

3) In determining the fixed radius, the following factors shall be taken into consideration: chemistry of injected and formation fluids; hydrogeology; population and groundwater use and dependence; and historical practices in the area.

c) If the area of review is determined by a mathematical model pursuant to paragraph (a) the permissible radius is the result of such calculation even if it is less than 402 meters (1/4 mile).

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 730.107 Corrective Action**

In determining the adequacy of corrective action proposed by the applicant under 35 Ill. Adm. Code 704.193 and in determining the additional steps needed to prevent fluid movement into underground sources of drinking water, the following criteria and factors shall be considered by the Agency:

a) Nature and volume of injected fluid;

b) Nature of native fluids or by-products of injection;

c) Potentially affected population;

d) Geology;

e) Hydrology;

f) History of the injection operation;

g) Completion and plugging records;

h) Abandonment procedures in effect at the time the well was abandoned; and

i) Hydraulic connections with underground sources of drinking water.

**Section 730.108 Mechanical Integrity**

a) The applicant or permittee must demonstrate mechanical integrity when required by other sections. An injection well has mechanical integrity if:

1) There is no significant leak in the casing, tubing or packer; and

2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore.

b) One of the following tests may be used to demonstrate the absence of significant leaks under paragraph (a)(1):

1) Monitoring of annulus pressure; or

2) Pressure test with liquid or gas.

c) One of the following methods may be used to determine the absence of significant fluid movement under paragraph (a)(2):

1) The results of a temperature or noise log; or

3) For Class III wells where the nature of the casing precludes the use of the logging techniques prescribed at paragraph (c)(1), cementing records demonstrating the presence of adequate cement to prevent such migration; or

4) For Class III wells where the Agency elects to rely on cementing records to demonstrate the absence of significant fluid movement, the monitoring program prescribed by 35 Ill. Adm. Code 730.113(b) shall be designed to verify the absence of significant fluid movement.

d) The Agency may allow the use of a test to demonstrate mechanical integrity other than those listed in paragraphs (b) and (c). To obtain approval, the owner or operator shall submit a written request to the Agency, which shall set forth the proposed test and all technical data supporting its use. The Agency shall approve the request if it will reliably demonstrate the mechanical integrity of wells for which its use is proposed.

e) In conducting and evaluating the tests enumerated in this section or others to be allowed by the Agency, the owner or operator and the Agency shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Agency, he shall include a description of the test and the method used. In making its evaluation, the Agency shall review monitoring and other test data submitted since the previous evaluation.

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 730.109 Criteria for Establishing Permitting Priorities**

In determining priorities for setting times for owners or operators to submit applications for authorization to inject under the procedures of 35 Ill. Adm. Code 704.161, the Agency shall base these priorities upon consideration of the following factors:

a) Injection wells known or suspected to be contaminating underground sources of drinking water;

b) Injection wells known to be injecting fluids containing hazardous contaminants;

c) Likelihood of contamination of underground sources of drinking water;

d) Potentially affected population;

e) Injection wells violating existing Illinois requirements;

f) Coordination with the issuance of permits required by other State or Federal permit programs;

g) Age and depth of the injection well; and

h) Expiration dates of existing Illinois permits, if any.

**Section 730.110 Plugging and Abandoning Class I and III Wells**

a) Prior to abandoning a Class I or III well, the well shall be plugged with cement in a manner which will not allow the movement of fluids either into or between underground sources of drinking water. The Agency may allow Class III wells to use other plugging materials if it is satisfied that such materials will prevent movement of fluids into or between underground sources of drinking water.

b) Placement of the cement plugs shall be accomplished by one of the following:

1) The Balance Method;

2) The Dump Bailer Method; or

3) The Two-Plug Method; or

4) An alternative method approved by the Agency in the permit, which will reliably provide a comparable level of protection to underground sources of drinking water.

c) The well to be abandoned shall be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Agency, prior to the placement of the cement plug.

d) The plugging and abandonment required in 35 Ill. Adm. Code 704.188 and 704.187 shall, in the case of a Class III project which underlies or is in an aquifer which has been exempted under Section 730.104, also demonstrate adequate protection of USDWs. The Agency shall prescribe aquifer cleanup and monitoring where it deems it necessary and feasible to insure adequate protection of USDWs.

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106)*

## SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO CLASS I WELLS

**Section 730.111 Applicability**

This subpart establishes criteria and standards for underground injection control programs to regulate Class I wells.

**Section 730.112 Construction Requirements**

a) All Class I wells shall be sited in such a fashion that they inject into a formation which is beneath the lowermost formation containing, within 400 meters (one quarter mile) of the well bore, an underground source of drinking water.

b) All Class I wells shall be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water. The casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:

1) Depth to the injection zone;

2) Injection pressure, external pressure, internal pressure, and axial loading;

3) Hole size;

4) Size and grade of all casing strings (wall thickness, diameter, nominal weight, length, joint specification, and construction material);

5) Corrosiveness of injected fluid, formation fluids, and temperatures;

6) Lithology of injection and confining intervals; and

7) Type or grade of cement.

c) All Class I injection wells, except those municipal wells injecting non-corrosive wastes, shall protect underground sources of drinking water against movement of fluids from the injection zone upward through the well. Operators may do this by injecting fluids through tubing with a packer set immediately above the injection zone, or tubing with an approved fluid seal as an alternative. The tubing, packer, and fluid seal shall be designed for the expected service.

1) The use of other alternatives to a packer may be allowed with the written approval of the Agency. To obtain approval, the operator shall submit a written request to the Agency, which shall set forth the proposed alternative and all technical data supporting its use. The Agency shall approve the request if the alternative method will reliably provide a comparable level of protection to underground sources of drinking water. The Agency may approve an alternative method solely for an individual well; however, the Agency may promulgate criteria approving alternatives pursuant to 35 Ill. Adm. Code 702.106.

2) In determining and specifying requirements for tubing, packer, or alternatives the following factors shall be considered:

A) Depth of setting;

B) Characteristics o[illegible] ection fluid [illegible] chemical content, corrosive[illegible] density);

C) Injection pressure;

D) Annular pressure;

E) Rate, temperature and vo[illegible] fluid; and

F) Size of casing.

d) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class I wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Agency. At a minimum, such logs and tests shall include:

1) Deviation checks on all holes constructed by first drilling a pilot hole, and then enlarging the pilot hole by reaming or another method. Such checks shall be at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

2) Such other logs and tests as may be needed after taking into account the availability of similar data in the area of the drilling site, the construction plan, and the need for additional information, that may arise from time to time as the construction of the well progresses. In determining which logs and tests shall be required, the following logs shall be considered for use in the following situations:

A) For surface casing intended to protect underground sources of drinking water:

i) Resistivity, spontaneous potential, and caliper logs before the casing is installed; and

ii) A cement bond, temperature, or density log after the casing is set and cemented.

B) For intermediate and long strings of casing intended to facilitate injection:

i) Resistivity, spontaneous potential, porosity, and gamma ray logs before the casing is installed;

ii) Fracture finder logs; and

iii) A cement bond, temperature, or density log after the casing is set and cemented.

e) At a minimum, the following information concerning the injection formation shall be determined or calculated for new Class I wells:

1) Fluid pressure;

2) Temperature;

3) Fracture pressure;

4) Other physical and chemical characteristics of the injection matrix; and

5) Physical and chemical characteristics of the formation fluids.

**Section 730.113 Operating, Monitoring and Reporting Requirements**

a) Operating Requirements. Operating requirements shall, at a minimum, specify that:

1) Except during stimulation, injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case shall injection pressure initiate fractures in the confining zone or cause the movement of injection or formation fluids into an underground source of drinking water.

2) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.

3) Unless an alternative to a packer has been approved under Sec. 730.112(c), the annulus between the tubing and the long string of casings shall be filled with a fluid approved by the Agency and a pressure, also approved by the Agency, shall be maintained on the annulus.

b) Monitoring Requirements. Monitoring requirements shall, at a minimum, include:

1) The analysis of the injected fluids with sufficient frequency to yield representative data of their characteristics;

2) Installation and use of continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing;

3) A demonstration of mechanical integrity pursuant to Sec. 730.108 at least once every five years during the life of the well; and

4) The type, number and location of wells within the area of review to be used to monitor any migration of fluids into and pressure in the underground sources of drinking water, the parameters to be measured and the frequency of monitoring.

c) Reporting Requirements. Reporting requirements shall, at a minimum, include:

1) Quarterly reports to the Agency on:

A) The physical, chemical and other relevant characteristics of injection fluids;

B) Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure; and

C) The results of monitoring prescribed under subparagraph (b)(4).

2) Reporting the results, with the first quarterly report after the completion of:

A) Periodic tests of mechanical integrity;

B) Any other test of the injection well conducted by the permittee if required by the Agency; and

C) Any well work over.

**Section 730.114 Information to be Considered by the Agency**

This section sets forth the information which must be considered by the Agency in authorizing Class I wells. For an existing or converted new Class I well the Agency may rely on the existing permit file for those items of information listed below which are current and accurate in the file. For a newly drilled Class I well, the Agency shall require the submission of all the information listed below. For both existing and new Class I wells certain maps, cross-sections, tabulations of wells within the area of review and other data may be included in the application by reference provided they are current, readily available to the Agency (for example, in the Agency's files) and sufficiently identified to be retrieved.

a) Prior to the issuance of a permit for an existing Class I well to operate or the construction or conversion of a new Class I well the Agency shall consider the following:

1) Information required in 35 Ill. Adm. Code 702.120 through 702.124 and 35 Ill. Adm. Code 704.161(c);

2) A map showing the injection well for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number, or name, and location of all producing wells, injection wells, abandoned wells, dry holes, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells and other pertinent surface features including residences and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;

3) A tabulation of data on all wells within the area of review which penetrate into the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Agency may require;

4) Maps and cross sections indicating the general vertical and lateral limits of all underground sources of drinking water within the area of review, their position relative to the injection formation and the direction of water movement, where known, in each underground source of drinking water which may be affected by the proposed injection;

5) Maps and cross sections detailing the geologic structure of the local area;

6) Generalized maps and cross sections illustrating the regional geologic setting;

7) Proposed operating data;

A) Average and maximum daily rate and volume of the fluid to be injected;

B) Average and maximum injection pressure; and

C) Source and an analysis of the chemical, physical, radiological and biological characteristics of injection fluids;

8) Proposed formation testing program to obtain an analysis of the chemical, physical and radiological characteristics of and other information on the receiving formation;

9) Proposed stimulation program;

10) Proposed injection procedure;

11) Schematic or other appropriate drawings of the surface and subsurface construction details of the system;

12) Contingency plans to cope with all shut-ins or well failures so as to prevent migration of fluids into any underground source of drinking water;

13) Plans (including maps) for meeting the monitoring requirements in Sec. 730.113(b);

14) For wells within the area of review which penetrate the injection zone but are not properly completed or plugged, the corrective action proposed to be taken under 35 Ill. Adm. Code 704.193;

15) Construction procedures including a cementing and casing program, logging procedures, deviation checks, and a drilling, testing, and coring program; and

16) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by 35 Ill. Adm. Code 704.189.

b) Prior to granting approval for the operation of a Class I well the Agency shall consider the following information:

1) All available logging and testing program data on the well;

2) A demonstration of mechanical integrity pursuant to Sec. 730.108;

3) The anticipated maximum pressure and flow rate at which the permittee will operate;

4) The results of the formation testing program;

5) The actual injection procedure;

6) The compatibility of injected waste with fluids in the injection zone and minerals in both the injection zone and the confining zone; and

7) The status of corrective action on defective wells in the area of review.

c) Prior to granting approval for the plugging and abandonment of a Class I well the Agency shall consider the following information:

1) The type and number of plugs to be used;

2) The placement of each plug including the elevation of the top and bottom;

3) The type and grade and quantity of cement to be used;

4) The method for placement of the plugs; and

5) The procedure to be used to meet the requirements of Sec. 730.110(c).

## SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II WELLS

### Section 730.121 Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals

The criteria and standards for Class II wells will be adopted by the Illinois Department of Mines and Minerals pursuant to Section 1425 of the SDWA.

## SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

### Section 730.131 Applicability

This subpart establishes criteria and standards for underground injection control programs to regulate Class III wells.

### Section 730.132 Construction Requirements

a) All new Class III wells shall be cased and cemented to prevent the migration of fluids into or between underground sources of drinking water. The Agency may waive the cementing requirements for new wells in existing projects or portions of existing projects where it has substantial evidence that no contamination of underground sources of drinking water would result. The casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:

1) Depth to the injection zone;

2) Injection pressure, external pressure, internal pressure, axial loading, etc.;

3) Hole size;

4) Size and grade of all casing strings (wall thickness, diameter, nominal weight, length, joint specification and construction material);

5) Corrosiveness of injected fluids and formation fluids;

6) Lithology of injection and confining zones; and

7) Type and grade of cement.

b) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Agency. The logs and tests appropriate to each type of Class III well shall be determined based on the intended function, depth, construction and other characteristics of the well, availability of similar data in the area of the drilling site and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks shall be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they shall be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

c) Where the injection zone is a formation which is naturally water-bearing, the following information concerning the injection zone shall be determined or calculated for new Class III wells or projects:

1) Fluid pressure;

2) Fracture pressure; and

3) Physical and chemical characteristics of the formation fluids.

d) Where the injection formation is not a water bearing formation, the information in paragraph (c)(2) must be submitted.

e) Where injection is into a formation which contains water with less than 10,000 mg/l TDS, monitoring wells shall be completed into the injection zone and into any underground sources of drinking water above the injection zone which could be affected by the mining operation. These wells shall be located in such a fashion as to detect any excursion of injection fluids, process by-products or formation fluids outside the mining area or zone. If the operation may be affected by subsidence or catastrophic collapse the monitoring wells shall be located so that they will not be physically affected.

f) Where injection is into a formation which does not contain water with less than 10,000 mg/l TDS, no monitoring wells are necessary in the injection stratum.

g) Where the injection wells penetrate an USDW in an area subject to subsidence or catastrophic collapse, an adequate number of monitoring wells shall be completed into the USDW to detect any movement of injected fluids, process by-products or formation fluids into the USDW. The monitoring wells shall be located outside the physical influence of the subsidence or catastrophic collapse.

h) In determining the number, location, construction and frequency of monitoring of the monitoring wells the following criteria shall be considered:

1) The population relying on the USDW affected or potentially affected by the injection operation;

2) The proximity of the injection operation to points of withdrawal of drinking water;

3) The local geology and hydrology;

4) The operating pressures and whether a negative pressure gradient is being maintained;

5) The nature and volume of the injected fluid, the formation water, and the process by-products; and

6) The injection well density.

*(Source: Ameded at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106)*

### Section 730.133 Operating, Monitoring, and Reporting Requirements

a) Operating Requirements. Operating requirements prescribed shall, at a minimum, specify that:

1) Except during well stimulation, injection pressure at the wellhead shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case, shall injection pressure initiate fractures in the confining zone or cause the migration of injection or formation fluids into an underground source of drinking water.

2) Injection between the outermost casing protecting underground souces of drinking water and the well bore is prohibited.

b) Monitoring Requirements. Monitoring requirements shall, at a minimum, specify:

1) Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis required by Section 730.134(a)(7)(C) is incorrect or incomplete, the owner or operator shall provide the Agency with a new analysis as required by Section 730.134(a)(7)(C);

2) Monitoring of injection pressure and either flow rate or volume semi-monthly, or metering and daily recording of injected and produced fluid volumes as appropriate;

3) Demonstration of mechanical integrity pursuant to Section 730.108 at least once every five years during the life of the well for salt solution mining;

4) Monitoring of the fluid level in the injection zone semi-monthly, where appropriate and monitoring of the parameters chosen to measure water quality in the monitoring wells required by Section 730.132(e) semi-monthly; and

5) Quarterly monitoring of wells required by Section 730.132(g).

6) All Class III wells may be monitored on a field or project basis rather than an individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well, operating with a common manifold. Separate monitoring systems for each well are not required provided the owner/operator demonstrates that manifold monitoring is comparable to individual well monitoring.

c) Reporting Requirements. Reporting requirements shall, at a minimum, include:

1) Quarterly reporting to the Agency on required monitoring;

2) Results of mechanical integrity and any other periodic test required by the Agency reported with the first regular quarterly report after the completion of the test; and

3) Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106)*

**Section 730.134 Information to be Considered by the Agency**

This section sets forth the information which must be considered by the Agency in authorizing Class III wells. Certain maps, cross sections, tabulations of wells within the area of review, and other data may be included in the application by reference provided they are current, readily available to the Agency (for example, in the Agency's files) and sufficiently identified to be retrieved.

a) Prior to the issuance of a permit for an existing Class III well or area to operate or the construction of a new Class III well the Agency shall consider the following:

1) Information required in 35 Ill. Adm. Code 702.120 through 702.124 and 35 Ill. Adm. Code 704.161(c);

2) A map showing the injection well or project area for which the permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, public water systems and water wells. The map may also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map.

3) A tabulation of data reasonably available from public records or otherwise known to the applicant on wells within the area of review included on the map required under paragraph (a)(2) which penetrate the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Agency may require. In cases where the information would be repetitive and the wells are of similar age, type and construction the Agency may elect to only require data on a representative number of wells.

4) Maps and cross sections indicating the vertical limits of all underground sources of drinking water within the area of review, their position relative to the injection formation, and the direction of water movement, where known, in every underground source of drinking water which may be affected by the proposed injection;

5) Maps and cross sections detailing the geologic structure of the local area;

6) Generalized map and cross sections illustrating the regional geologic setting;

7) Proposed operating data;

A) Average and maximum daily rate and volume of fluid to be injected;

B) Average and maximum injection pressure; and

C) Qualitative analysis and ranges in concentrations of all constituents of injected fluids. The applicant may request confidentiality as specified in 35 Ill. Adm. Code 101.107. If the information is proprietary an applicant may, in lieu of the ranges in concentrations, choose to submit maximum concentrations which shall not be exceeded. In such a case the applicant shall retain records of the undisclosed concentrations and provide them upon request to the Agency as part of any enforcement investigation.

8) Proposed formation testing program to obtain the information required by Section 730.132(c);

9) Proposed stimulation program;

10) Proposed injection procedure;

11) Schematic or other appropriate drawings of the surface and subsurface construction details of the system;

12) Plans (including maps) for meeting the monitoring requirements of Section 730.133(b);

13) Expected changes in pressure, native fluid displacement, direction of movement of injection fluid;

14) Contingency plans to cope with all shut-ins or well failures so as to prevent the migration of contaminating fluids into underground sources of drinking water;

15) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by 35 Ill. Adm. Code 704.189; and

16) The corrective action proposed to be taken under 35 Ill. Adm. Code 704.193.

b) Prior to granting approval for the operation of a Class III well the Agency shall consider the following information:

1) All available logging and testing data on the well;

2) A satisfactory demonstration of mechanical integrity for all new wells and for all existing salt solution pursuant to Section 730.108;

3) The anticipated maximum pressure and flow rate at which the permittee will operate;

4) The results of the formation testing program;

5) The actual injection procedures; and

6) The status of corrective action on defective wells in the area of review.

c) Prior to granting approval for the plugging and abandonment of a Class III well the Agency shall consider the following information:

1) The type and number of plugs to be used;

2) The placement of each plug including the elevation of the top and bottom;

3) The type, grade and quantity of cement to be used;

4) The method of placement of the plugs, and

5) The procedure to be used to meet the requirements of Section 730.110(c).

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106*

## SUBPART E: CRITERIA AND STANDARDS APPLICABLE TO CLASS IV INJECTION WELLS

**(Reserved)**

## SUBPART F: CRITERIA AND STANDARDS APPLICABLE TO CLASS V INJECTION WELLS

### Section 730.151 Applicability

This subpart sets forth criteria and standards for underground injection control programs to regulate all injection not regulated in Subparts B, D and E. Class II wells, however, are not regulated by this subpart.

a) Generally, wells covered by this Subpart inject non-hazardous fluids into or above formations that contain underground sources of drinking water. It includes all wells listed in Section 730.105(e) but is not limited to those types of injection wells.

b) It also includes wells not covered in Class IV that inject radioactive materials listed in 10 CFR 20, Appendix B, Table II, Column 2.

*(Source: Amended at 7 Ill. Reg. 14426, effective as noted in 35 Ill. Adm. Code 700.106*

### Section 730.152 Inventory and Assessment

The owner or operator of any Class V well shall, within one year of the date of approval by USEPA of the Illinois UIC program for Class I, III, IV and V wells, notify the Agency of the existence of any well meeting the definitions of Class V under his control, and submit the inventory information required in 35 Ill. Adm. Code 704.148(a).

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER h: ILLINOIS "SUPERFUND" PROGRAM

# PART 750
# ILLINOIS HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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## SUBPART E: USE OF DISPERSANTS AND OTHER CHEMICALS


Section 750.501 General


*AUTHORITY: Implementing and authorized by Section 22.1 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1022.1, as amended by P.A. 83-0938, effective December 12, 1983).*

*SOURCE: Adopted at 8 Ill. Reg. 13199, effective July 16, 1984.*

## SUBPART A: INTRODUCTION

### Section 750.101 Purpose and Objectives

The purpose of the Illinois Hazardous Substances Pollution Contingency Plan (Plan) is to effectuate the response powers and responsibilities of State authorities for the taking of preventive or corrective action, pursuant to Act, that is necessary or appropriate whenever there is a release or a substantial threat of a release of a hazardous substance.

### Section 750.102 Authority

a) The Plan is required by Section 22.1 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1022.1).

b) Amendments shall be provided to the Illinois Emergency Services and Disaster Agency (IESDA) and the Illinois Department of Nuclear Safety (IDNS) for comment prior to final adoption by the Board in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

### Section 750.103 Scope

a) The plan applies to all State agencies and is in effect for releases or substantial threats of releases of hazardous substances into the environment, and releases or substantial threats of releases of pollutants or contaminants which may present an imminent and substantial danger to public health or welfare.

b) The Plan provides for response to releases of hazardous substances, pollutants and contaminants in accordance with the authority of the Environmental Protection Act. It provides for:

1) Division and specification of responsibilities among the State agencies in response actions, and appropriate roles for privte entities and local governments;

2) Procedures for undertaking response operations taken pursuant to the Environmental Protection Act;

3) State policies and procedures for the use of dispersants and other chemicals in removal and response actions.

**Section 750.104 Application**

The Plan is applicable to State response taken at sites which are not the subject of a federal response taken pursuant to CERCLA.

**Section 750.105 Definitions**

Terms not defined in this section have the meaning given by the Act and Board regulations unless otherwise defined by CERCLA.

"Act" means the Environmental Protection Act. (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1022.)

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.).

"Claim" means a demand in writing for a sum certain.

"Claimant" means any person who presents a claim for compensation under Section 22.2 of the Act.

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

"Drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act of 1974, as amended (42 U.S.C. 300 et seq.), or as drinking water by one or more individuals.

"Environment" means any surface water, ground water, drinking supply, land surface and subsurface strata, or ambient air within the State or under the jurisdiction of the State.

"Facility" means:

Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or

Any site or area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

"Federally permitted release" means:

Discharges in compliance with a permit under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.);

Discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.) and subject to a condition of such permit;

Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), which are caused by events occurring within the scope of relevant operating or treatment systems;

Discharges in compliance with a legally enforceable permit under Section 404 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.);

Releases in compliance with a legally enforceable final permit issued pursuant to Section 3005 (a) through (d) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases;

Any release in compliance with a legally enforceable permit issued under Section 102 or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. 1445 et seq.);

Any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of EPA) pursuant to part C of the Safe Drinking Water Act, as amended (42 U.S.C. 300 et seq.);

Any emission into the air subject to a permit or control regulation under Section 111, Section 112, Title 1 Part C or Title 1 Part D of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) or State Implementation plans submitted in accordance with Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) (and not disapproved by the Administrator of EPA), including any schedule or waiver granted, promulgated, or approved under these sections;

Any injection of fluids or other materials authorized under applicable State law:

For the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water;

For the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas; or

Which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected.

The introduction of any pollutant into a publicly-owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of Section 307 (b) or (c) of the Clean Water Act as amended (33 U.S.C. 466 et seq.) and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under Section 402 of such Act; and

Any release of source, special nuclear, or by-product material, as those terms are defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), in compliance with a legally enforceable license, permit, regulation, or order issue pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

"Fund" means the Hazardous Waste Fund established by Section 22.2 of the Act.

"Groundwater" means water in a saturated zone or stratum beneath the surface of land or water.

"Hazardous substance" means:

Any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act, as amended (33 U.S.C. 466 et seq.);

Any element, compound, mixture, solution or substance designated pursuant to Section 102 of CERCLA, as amended (42 U.S.C. 9601 et seq.);

Any hazardous waste;

Any toxic pollutant listed under Section 307(a) of the Clean Water Act, as amended (33 U.S.C. 466 et seq.);

Any hazardous air pollutant listed under Section 112 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); and

Any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act, as amended (15 U.S.C. 2601 et seq.). The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designed as a hazardous substance under this definition and the term does not include natural gas, natural gas liquids, liquified natural gas or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

"IDL" means the Illinois Department of Labor.

"IDNS" means the Illinois Department of Nuclear Safety.

"IEPA" means the Illinois Environmental Protection Agency.

"IESDA" means the Illinois Emergency Services and Disaster Agency.

"Inland Zone" means the environment inland of the coastal zone.

"Local Government" means a "unit of local government" as defined in Article VII of the Constitution of the State of Illinois, that is, counties, municipalities, townships, government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.

"Natural Resources" means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of fishery conservation zones established by the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 et seq.), the State of Illinois, or any State or local government or any foreign government.

"Offshore facility" means any facility which is subject to the jurisdiction of the State and is located in, on or under water, other than a vessel or a public vessel.

"Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) located in, on, or under any land or non-navigable waters within the State.

"Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, U.S. Government, state, municipality, commission, political subdivision of a state, or any interstate body.

"Plan" means the Illinois Hazardous Substances Pollution Contingency Plan.

"Pollution or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingesting through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformation, in such organisms or their offsprings. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under Section 101(14)(A) through (F) of CERCLA, as amended (42 U.S.C. 9601 et seq.), nor does it include natural gas, liquified natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and synthetic gas).

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes:

any release which results in exposure to person solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;

Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

Release of source, by-product or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Engergy Act of 1954, as amended (42 U.S.C. 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and

The normal application of fertilizer. For the purposes of this Plan, release also means substantial threat of a release.

"Remove" or "Removal" means the clean-up or removal of released hazardous substances from the environment; such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances; the disposal of removed material; or the taking or such other actions as may be necessary to prevent, minimize, or mitigae damage to the public health or welfare or the environment, which may otherwise result from such release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals, and any emergency assistance which may be provided under the Illinois Emergency Services and Disaster Agency Act of 1975, as amended (Ill. Rev. Stat. 1983, ch. 127, pars. 1101 et seq.) or any other law.

"Remedy" or "Remedial Action" means those actions consistent with permanent remedy taken instead of, or in addition to, removal action in the event of release or threatened relesed of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, clean-up of released hazardous substances or contaminated materials, recycling or reuse, diversion destruction, segregation or reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the Governor and the Director determine that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage treatment, destruction, or secure disposition off-site of hazardous substances or may otherwise be necessary to protect the public health or welfare. The term does not include off-site transport of hazardous substances, or the storage, treatment, destruction, or secure disposition off-site of such hazardous substances or contaminated materials unless the Governor and the Director determine that such actions:

Are more cost-effective than other remedial actions;

Will create new capacity to manage hazardous substances in addition to those located at the affected facility; or

Are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials.

"Respond" or "Response" means remove, removal, remedy, or remedial action.

"State" means the State of Illinois.

"State Permitted Releases" means releases permitted under the Act or Board regulaions or pursuant to a legally enforceable State permit.

"United States" means the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas and any other territory or possession over which the U.S. has jurisdiction.

"Volunteer" means any individual accepted to perform services by a State agency which has authority to accept volunteer services. A volunteer is subject to the provisions of the authorizing statute, and of this Plan.

## SUBPART B: RESPONSIBILITY

### Section 750.201 Coordination Among and by State Agencies

a) IEPA should coordinate planning and response action with affected State and Federal agencies and local government and private entities.

b) State agencies with facilities or other resources which may be useful in a State response situation should make those facilities or resources available consistent with agency capabilities and authorities.

c) When the Director of the IEPA determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of a release or threatened release of a hazardous substance, from a facility, he/she may request the Illinois Attorney General to secure the relief necessary to abate the threat. The action described here is in addition to any actions taken by a Federal agency or local government for the same purpose.

d) Where appropriate, discharges of radioactive materials shall be handled pursuant to the appropriate State and/or federal radiological plans.

### Section 750.202 Other Assistance by State Agencies

a) State agencies' other than IEPA, which have duties established by statute or executive order which may be relevant to State response action or may be relevant to the rehabilitation, restoration, and replacement of damaged or lost natural resources may be called upon by IEPA during the planning or implementation of a response to provide assistance in their respective areas of expertise, consistent with their capabilities and legal authorities.

b) In addition to their general responsibilities under subsection (a) of this Section, State agencies should:

1) Make necessary information available to the IEPA; and

2) Inform the IEPA of changes in the availability of resources that would affect the operations of the Plan.

c) All State agencies are responsible for reporting to IESDA releases of hazardous substances from facilities or vessels which are under their jurisdiction or control in accordance with Subpart D of this Plan. IESDA, in turn, shall notify IEPA of such reports.

### Section 750.203 Local Participation

Local government agencies are encouraged to include contingency planning for response consistent with this Plan in all emergency and disaster planning.

### Section 750.204 Non-Government Participation

a) Industry groups, academic organizations, and others are encouraged to commit resources for response operations.

b) It is particularly important to use the valuable technical and scientific information generated by the non-government local community along with those from Federal and State government to assist the IEPA in devising clean-up strategies where effective standard techniques are unavailable, and to ensure that pertinent research will be undertaken to meet national needs.

c) IEPA should establish procedures to allow for well-organized, worthwhile, and safe use of volunteers. These procedures should provide for the direction of volunteers by the IEPA or by other State or local officials knowledgeable in contingency operations and capable of providing leadership. IEPA also should identify specific areas in which volunteers can be used, such as beach surveillance, logistical support, and bird and wildlife treatment. Unless specifically requested by the IEPA volunteers generally should not be used for physical removal or remedial activities. If, in the judgment of the IEPA dangerous conditions exist, volunteers shall be restricted from on-scene operations.

d) If any person other than a person operating under contract or cooperative agreement with the IEPA takes response action and intends to seek reimbursement from the Fund, such actions must be in comformity with this Plan, and may only be udnertaken if such person notifies the Director of IEPA or his/her designee prior to taking such action, receives prior approval to take such action, and acts by and under the direction of IEPA.

## SUBPART C: ORGANIZATION

### Section 750.301 Response Operations

a) The IEPA shall direct State Fund-financed response efforts and coordinate all other State efforts at the scene of a discharge or release.

b) The IEPA shall, to the extent practicable under the circumstances, collect pertinent facts about the discharge or release, such as its source and cause; the existence of potentially responsible parties, the nature, amount, and location of discharged or released materials; the probable direction and time of travel of discharged or released materials; the pathways to human exposure; potential impact on human health, welfare and safety; the potential impact on natural resources and property which may be affected; priorities for protecting human health, welfare and the environment; and appropriate cost documentation.

### Section 750.302 Emergency Response Unit

IEPA shall maintain an Emergency Response Unit with the following capabilities:

a) Specialized containment and removal equipment;

b) Personnel trained to evaluate, monitor and supervise pollution responses;

c) "Initial Aid" response capability to deploy equipment prior to the arrival of a clean-up contractor or other response personnel;

d) Access to special decontamination equipment for chemical releases;

e) An up-to-date inventory as to the location of response and support equipment, including private and commercial equipment as well as government resources;

f) Advice on hazard evaluation, risk assessment; multi-media sampling and analysis program; on-site safety; clean-up technique and priorities; water supply decontamination and protection; application of dispersants; environmental assessments; degree of clean-up required; and disposal of contaminated material;

g) Expertise in biology, chemistry, hydrology, geology and engineering.

**Section 750.303 Public Information Assistance**

IEPA shall provide a means to meet the demand for public information and participation during major responses.

**Section 750.304 Communications**

a) Notice of a release of a hazardous substance in an amount equal to or greater than the reportable quantity shall be made at the earliest practicable moment following discovery of the incident or accident pursuant to the procedures in the IESDA rules for telephone notification (29 Ill. Adm. Code 430).

b) The IESDA notification telephone number is 217/782-7860.

## SUBPART D: HAZARDOUS SUBSTANCE RESPONSE

**Section 750.401 General**

a) This subpart establishes methods and criteria for determining the appropriate extent of response when any hazardous substance is released or there is a substantial threat of such a release into the environment, of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare.

b) Removal or remedial action is authorized unless it is determined that such removal or remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emantes, or by any other responsible party.

c) In determining the need for and in planning or undertaking Fund-financed action, response personnel should, to the extent practicable, consider the following:

1) Conserve Fund monies by encouraging private party clean-up;

2) Be sensitive to local community concerns (in accordance with applicable guidance);

3) Rely on established technology when feasible and cost-effective;

4) Encourage the participation and sharing of technology by industry and other experts.

**Section 750.410 Phase I — Discovery or Notification**

a) A release may be discovered through:

1) Notification pursuant to a statutory requirement;

2) Investigation by government authorities;

3) Notification of a release by a Federal or State permit holder when required by its permit;

4) Inventory efforts or random or incidental observation by government agencies or the public;

5) Other sources.

b) If not reported previously, a release should be promptly reported to IESDA at telephone number 217/782-7860. Any person in charge of a vessel or facility should immediately notify IESDA as soon as he has knowledge of a release (other than a State or federally permitted release) of a hazardous substance from such vessel or facility in an amount equal to or greater than the reportable quantity determined pursuant to Section 102(b) of CERCLA, as amended (42 U.S.C. 9601 et seq.). IESDA shall convey the notification expeditiously to IEPA and other appropriate government agencies.

**Section 750.420 Phase II — Preliminary Assessment**

a) A preliminary assessment of a release identified for possible State response should be undertaken by the IEPA. If the reported release potentially requies immediate removal, the preliminary assessmment should be done as promptly as possible. Other releases shall be assessed as soon as practicable. The IEPA should base its assessmment on readily available information. This assessment may include:

1) Evaluation of the magnitude of the hazard;

2) Identification of the source and nature of the release;

3) Determination of the existence of a non-State party or parties ready, willing, and able to undertake a proper response; and

4) Evaluation of factors necessary to make the determination of whether immediate removal is necessary.

b) A preliminary assessment of releases from hazardous waste management facilities may include collection or review of data such as site management practices, information from generators, photographs, analysis of historical photographs, literature searches, and person interviews conducted as appropriate. In addition, a perimeter (off-site) inspection may be necessary to determine the potential for release. Finally, if more information is needed, a site visit may be performed, if conditions are such that it may be performed safely.

c) A preliminary assessment should be terminated when the IEPA determines:

1) There is no release;

2) The source is neither a vessel nor a facility;

3) The release involves neither a hazardous substance, nor a pollutant or contaminant that may pose an imminent and substantial danger to public health or welfare;

4) The amount released does not warrant State response;

5) A party responsible for the release, or any other person, is providing appropriate response, and on-scene monitoring by the government is not recommended or approved by the IEPA; or

6) The assessment is completed.

**Section 750.430 Phase III — Immediate Removal**

a) In determining the appropriate extent of action to be taken at a given release, the IEPA shall first review the preliminary assessment to determine if immediate removal action is appropriate. Immediate removal action shall be deemed appropriate in those cases in which the IEPA determines that the initiation of immediate removal action will prevent or mitigate immediate and significant risk of harm to human life or health or to the environment from such situations as:

1) Human, animal, or food chain exposure to acutely toxic substances;

2) Contamination of a drinking water supply;

3) Fire and/or explosion; or

4) Similarly acute situations.

b) If the IEPA determines that immediate removal is appropriate, defensive actions should begin as soon as possible to prevent or mitigate danger to the public health, welfare, or the environment. Actions may include, but are not limited to:

1) Collecting and analyzing samples to determine the source and dispersion of the hazardous substance and documenting those samples for possible evidentiary use;

2) Providing alternative water supplies;

3) Installing security fencing or other measures to limit access;

4) Controlling the source of release;

5) Measuring and sampling;

6) Moving hazardous substances off-site for storage, destruction, treatment, or disposal provided that the substances are moved to a facility that is in compliance with Subtitle G of the Board's regulations (35 Ill. Adm. Code 700; Subtitle G, Chapter I) or Subtitle C of the Solid Wate Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6901 et seq.);

7) Placing physical barriers to deter the spread of the release;

8) Controlling the water discharge from an upstream impoundment;

9) Recommending to appropriate authorities the evacuation of threatened individuals;

10) Using chemicals and other materials in accordance with Subpart E to restrain the spread of the substance and to mitigate its effects;

11) Executing damage control or salvage operations.

c) Immeidate removal actions are complete when, in the opinion of IEPA the criteria in subsection (a) of this Section are no longer met and any contaminated waste materials transported off-site have been treated or disposed of properly.

d) Immediate removal action shall be terminated after $1 million has been obligated for the action or six months have elapsed from the date of initial response to a release or threatened release unless it is determined that:

1) Continued response actions are immediately required to prevent, limit or mitigate an emergency;

2) There is an immediate risk to public health or welfare or the environment; and

3) Such assistance will not otherwise be provided on a timely basis.

e) If the IEPA determines that the releases still may required planned removal or remedial action, the IEPA may initiate, either simultaneously or sequentially, Phase IV or V as appropriate.

**Section 750.440 Phase IV — Evaluation and Determination of Appropriate Response — Planned Removal and Remedial Action**

a) The purpose of this phase is to determined the appropriate action when the preliminary assessment indicates that further response may be necessary or when IEPA finds that further response should follow an immediate removal action.

b) As soon as practicable, an inspection will be undertaken to assess the nature and extent of the release and to assist in determining its priority for Fund-financed response.

c) 1) The IEPA may undertake investigations, monitoring, surveys, testing and other information gathering as appropriate. These efforts shall be undertaken jointly by the IEPA and those state officials responsible for enforcing legal requirements.

2) A major objective of an inspection is to determine if there is any immediate danger to persons living or working near the facility. In general, the collection of samples should be minimized during inspection activities; however, situations in which there is an apparent risk to the public should be treated as exceptions to that practice. Examples of apparent risk include use of nearby wells for drinking water, citizen compliants of unusual taste or odor in drinking water, or chemical odors or unusual health problems in the vicinity of the release. Under those circumstances, a sampling protocol should be developed for the inspection to allow for the earliest possible detection of any human exposure to hazardous substances. The site inspection may also address:

A) Determining the need for immediate removal action;

B) Assessing amounts, types and location of hazardous substances stored;

C) Assessing potential for substances to migrate from areas where they were originally located;

D) Determining or documenting immediate threats to the public or environment.

d) Methods for Establishing Priorities

1) IEPA shall prepare a State Priorities List. Such list shall be compiled using the Federal Hazard Waste Ranking System (40 CFR 300, Appendix A, as amended.)

2) Ranking of Releases — Similar hazard ranking scores assigned to releases cannot accurately differentiate among risks represented by the releases. Thus, in order to avoid misleading the public that real differences in risk exist, similar scores may be grouped on the State Priorities List.

3) IEPA shall publish a proposed State Priorities List in the Illinois Register for public comment.

4) IEPA shall revise and publish the State Priorities List at least once annually. In addition, revisions shall give notice of the deletion (if any) of releases previously listed.

**Section 750.450 Phase V — Planned Removal**

a) Planned removal may be undertaken pursuant to a contract or cooperative agreement when the IEPA determines that:

1) There would be a substantial cost savings by continuing a response action with the equipment and resources mobilized for an immediate removal action taken pursuant to Section 750.420, but terminated pursuant to Section 750.420(c); or

2) The public and/or environment will be at risk from exposure to hazardous substances if response is delayed at a release not on the State Priorities List.

b) Among the factors that IEPA will use to determine whether a planned removal is appropriate under Section 750.450(a)(2) are the following:

1) Actual or potential direct contact with hazardous substances by nearby population;

2) Contaminated drinking water at the tap;

3) Hazardous substanes in drums, barrels, tanks, or other bulk storage containers, that are known to pose a serious threat to public health or the environment;

4) Highly contaminated soils largely at or near surface, posing a serious threat to public health or the environment;

5) Serious threat of fire or explosion; or

6) Weather conditions that may cause substances to migrate and pose a serious threat to public health or the environment.

c) Planned removal actions shall be terminated when the IEPA determines that the risk to the public health or the environment has been abated. In making this determination, the IEPA shall consider whether the factors listed in Section 750.440(c) continued to apply to the release and whether any contaminated waste materials transports off-site have been treated or disposed of properly.

d) Obligations from the Fund shall not continue after $1 million has been obligated for response actions or six months has elapsed from the date of initial response to the release, unless the IEPA finds that:

1) continued response actions are immediately required to prevent, limit or mitigate an emergency;

2) there is an immediate risk to public health or welfare or the environment; and

3) such assistance will not otherwise be provided on a timely basis.

**Section 750.460 Phase VI — Remedial Action — General**

a) Remedial actions taken pursuant to this section are those responses to releases on the State Priorities List that are consistent with permanent remedy to prevent or mitigate the migration of a release of hazardous substances into the environment.

b) As an alternative or in addition to Fund-financed remedial action, the IEPA may seek, through voluntary agreement or administrative or judicial process, to have those persons responsible for the release clean up in a manner that effectively mitigates and minimizes damage to, and provides adequate protection of, public health, welfare, and the environment. The IEPA shall evaluate the adequacy of clean-up proposals submitted by responsible parties or determine the level of clean-up to be sought through enforcement efforts, by consideration of factors discussed in Sections 750.462 through 750.469. The IEPA will not, however, apply the cost balancing considerations discussed in Section 750.469(b) to determine the appropriate extent of responsible party clean-up.

**Section 750.461 Phase VI — Remedial Action — Funding Requests**

a) The IEPA will examine available information and determine, based on the factors in Section 750.466 of this section, the type or types of remedial response that may be neeed to remedy the release. This scoping will serve as the basis for requesting funding for a remedial investigation and feasibility study:

1) In the case of initial remedial measures, a single request may be made by IEPA for funding the remedial investigation, feasibility study, design and implementation, in order that such measures may be expedited while continuing the remainder of the remedial planning process;

2) In the case of source control or off-site remedial action, the initial funding request should be for the remedial investigation and feasibility study. Request for funding of design and implementation should be made after the completion of the feasibility study.

b) As a remedial investigation progresses, the project may be modified if the IEPA determines that, based on the factors in subsection (d), such modifications would be appropriate.

**Section 750.462 Phase VI — Remedial Action — Initial Remedial Action**

In some instances, initial remedial measures can and should begin before final selection of an appropriate remedial action if such measures are determined to be feasible and necessary to limit exposure or threat of exposure to a significant health or environmental hazard and if such measures are cost-effective. Compliance with Section 750.450(b) is a prerequisite to taking initial remedial measures. The following factors should be used

in determining whether initial remedial measures are appropriate:

a) Actual or potential direct contact with hazardous substances by nearby population. (Measures might include fences and other security precautions.)

b) Absence of an effective drainage control system (with an emphasis on run-on control). (Measures might include ditches.)

c) Contaminated drinking water at the tap. (Measures might include the temporary provision of an alternative water supply.)

d) Hazardous substances in drums, barrels, tanks, or other bulk storage containers above surface posing a serious threat to public health or the environment. (Measures might include transport of drums off-site.)

e) Highly contaminated soils largely at or near surface, posing a serious threat to public health or the environment. (Measures migh include temporary capping or removal of highly contaminated soils from drainage areas.)

f) Serious threat of fire or explosion or other serious threat to public health or the environment. (Measures might include stabilization of berms, dikes or impoundments.)

g) Weather conditions that may cause substances to migrate and to pose a serious threat to public health or the environment. (Measures might include stabilization of berms, dikes or impoundments.)

**Section 750.463 Phase VI — Remedial Action — Source Control Remedial Action**

Source control remedial actions may be appropriate if a substantial concentration of hazardous substances remain at or near the area where they were originally located and inadequate barriers exist to retard migration of substances into the environment. Source control remedial actions may not be appropriate if most substances have migrated from the area where originally located or if the IEPA determines that the substances are adequately contained. Source control remedial actions may include alternative to contain the eliminate potential contamination by transporting the hazardous substances to a new location. The following criteria should be assessed determining whether and what type of source control remedial actions should be considered:

a) The extent to which substances pose a danger to public health, welfare, or the environment. Factors which should be considered in assessing this danger include:

1) Population at risk;

2) Amount and form of the substance present;

3) Hazardous properties of the substances;

4) Hydrogeological factors (e.g. soil permeability depth to staturated zone, hydrologic gradients, proximity to a drinking water aquifer); and

5) Climate (rainfall, etc.)

b) The extent to which substances have migrated or are contained by either natural or man-made barriers.

c) The experiences and approaches used in similar situations by State and Federal agencies, other states, and private parties.

d) Environmental effects and welfare concerns.

**Section 750.464 Phase VI — Remedial Action — Off-Site Remedial Action**

In some situations it may be appropriate to take action (referred to as off-site remedial actions) to minimize and mitigate the migration of hazardous substances and the effects of such migration. These actions may be taken when the IEPA determines that source control remedial actions may not effectively mitigate and minimize the threat and there is a significant threat to public health, welfare, or the environment. These situations typically will result from contamination that has migrated beyond the area where the hazardous substances were originally located. Off-site measures may include provision of permanent alternative water supplies, management of a drinking water aquifer plume or treatment of drinking waste aquifers. The following criteria should be used in determining whether and what type of off-site remedial actions should be considered:

a) Contribution of the contamination to an air, land or water pollution problem;

b) The extent to which the substances have migrated or are expected to migrate from the area of their original location and whether continued migration may pose a danger to public health, welfare or environment;

c) The extent to which natural or man-made barriers currently contain the hazardous substances and the adequacy of the barriers;

d) The factors listed in Section 750.463(a);

e) The experiences and approaches used in similar situations by State and Federal agencies, other states, and private parties;

f) Environmental effects and welfare concerns.

**Section 750.465 Phase VI — Remedial Action — Remedial Investigation**

A remedial investigation should be undertaken by the IEPA (or responsible party if the responsible party will be developing a clean-up proposal) to determine the nature and extent of the problem presented by the release. This includes sampling and monitoring, as necessary, and includes the gathering of sufficient information to determine the necessity for and proposed extent of remedial action. During the remedial investigation, the original scoping of the project may be modified based on the factors in Sections 750.462-750.464. Part of the remedial investigation involves assessing whether the threat can be mitigated and minimized by controlling the source of the contamination at or near the area where the hazardous substances were originally located (source control remedial actions) or whether additional actions will be necessary because the hazardous substances have migrated from the area of their original location (off-site remedial actions).

**Section 750.466 Phase VI — Remedial Action — Development of Alternatives**

Development of Alternatives. A limited number of alternatives should be developed for either source control or off-site remedial actions (or both) depending upon the type of respose that has been identified under Sections 750.462-750.465 as being appropriate. One alternative may be a no-action alternative. No-action alternatives are appropriate, for example, when response action may cause a greater environmental or health danger than no action. These alternatives should be developed based upon the assessment conducted under Sections 750.462-750.465 and reflect the types of source control or off-site remedial actions determined to be appropriate under Section 750.462-750.465.

**Section 750.467 Phase VI — Remedial Action — Initial Screening of Alternatives**

Initial Screening of Alternatives. The alternatives developed under Section 750.466 will be subjected to an initial screening to narrow the list of potential remedial actions for further detailed analysis. Three broad criteria should be used in the initial screening of alternatives:

a) Cost. For each alternative, the cost of installing or implementing the remedial action must be considered, including operation and maintenance costs. An alternative that far exceeds (e.g. by an order of magnitude) the costs of other alternatives evaluated and that does not provide substantially greater public health or environmental benefit should usually be excluded from further consideration.

b) Effects of the Alternative:

1) The effects of each alternative should be evaluated in two ways:

A) Whether the alternative itself or its implementation has any adverse environmental effects; and

B) For source control remedial actions, whether the alternative is likely to achieve adequate control of source material, or for offsite remedial actions, whether the alternative is likely to effectively mitigate and minimize the threat of harm to public health, welfare or the environment.

2) If an alternative has significant adverse effects, it should be excluded from further consideration. Only those alternatives that effectively contribute to protection of public health, welfare, or the environment should be considered further.

c) Acceptable Engineering Practices. Alternatives must be feasible for the location and conditions of the release, applicable to the problem, and represent a reliable means of addressing the problem.

**Section 750.468 Phase VI — Remedial Action — Detailed Analysis of Alternatives**

a) A more detailed evaluation will be conducted of the limited number of alternatives that remain after the initial screening in Section 750.467.

b) The detailed analysis of each alternative should include:

1) Refinement and specification of alternatives in detail, with emphasis on used of established technology;

2) Detailed cost estimation, including distribution of costs over time;

3) Evaluation in terms of engineering implementation, or construtability;

4) An assessment of each alternative in terms of the extent to which it is expected to effectively mitigate and minimize damage to, and provide adequate protection of, public health, welfare, and the environment, relative to the other alternatives analyzed; and

5) An analysis of any adverse environmental impacts, methods for mitigating these impacts, and costs of mitigation.

c) In performing the detailed analysis of alternatives, it may be necessary to gather additional data in order to complete the analysis.

**Section 750.469 Phase VI — Remedial Action — Extent of Remedy**

a) The appropriate extent of remedy shall be determined by the IEPA's selection of the remedial alternative which it determines is cost-effective (i.e. the lowest cost alternative that is technologically feasible and reliable and which effectively mitigates and minimizes damage to and provides adequate protection of public health, welfare, or the environment).

b) The need for protecton of public health, welfare and the environment at the facility under consideration should be balanced against the amount of money available in the Fund to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action. Accordingly, in determining the appropriate extent of remedy for Fund-financed response, the IEPA also must consider the need to respond to other releases with Fund monies.

**Section 750.470 Phase VII — Documentation and Cost Recovery**

During all phases, documentation shall be collected and maintained to support all actions taken under this Plan, and to form the basis for cost recovery. In general, documentation should be sufficient to provide the source and circumstances of the condition, the identify of responsible parties, accurate accounting of State costs incurred, and impacts and potential impacts to the public health, welfare and environment.

**Section 750.480 Engineering Methods for On-Site Actions — Air Emissions Controls**

The control of volatile gaseous compounds should address both lateral movement and atmospheric emissions. Before gas migration controls can be properly installed, field meausrements to determine gas concentrations, pressures, and soil permiabilities should be used to establish optimum design for control. In addition, the types of hazardous substances present, the depth to which they extend, the nature of the gas and the subsurface geology of the release area should, if possible, be determined. Typical emission control techniques include the following:

a) Pipe vents;

b) Trench vents;

c) Gas barriers;

d) Gas collection systems;

e) Overpacking.

**Section 750.481 Engineering Methods for On-Site Actions — Surface Water Controls**

These are remedial techniques designed to reduce waste infiltration and to control runoff at release areas. They also serve to reduce erosion and to stabilize the surface of covered sites. These types of control technologies are ususally implemented in conjunction with other types of controls such as the elimination of groundwater infiltration and/or waste stabilization, etc. Technologies applicable to surface water control include the following:

a) Surface seals;

b) Surface water diversion and collection systems;

1) Dikes and berms;

2) Ditches, diversions, waterways;

3) Chutes and downpipes;

4) Levees;

5) Seepage basins and ditches;

6) Sedimentation basins and ponds;

7) Terraces and benches.

c) Grading;

d) Revegetation.

**Section 750.482 Engineering Methods for On-Site Actions — Groundwater Controls**

Groundwater pollution is a particularly serious problem because, once an aquifer has been contaminated, the resource cannot usually be cleaned without the expenditure of great time, effort and resources. Techniques that can be applied to the problem with varying degrees of success are as follows:

a) Impermeable barriers:

1) Slurry walls;

2) Grout curtains;

3) Sheet pilings.

b) Permeable treatment beds;

c) Groundwater pumping:

1) Water table adjustment;

2) Plume containment.

d) Leachate control — Leachate control systems are applicable to control of surface seeps and seepage of leachate to groundwater. Leachate collection systems consist of a series of drains which intercept the leachate and channel it to a sump, wetwell, treatment system, or appropriate surface discharge point. Technologies applicable to leachate control include the following:

1) Subsurface drains;

2) Drainage ditches;

3) Liners.

**Section 750.483 Engineering Methods for On-Site Actions — Contaminated Water and Sewer Lines**

Sanitary sewers and municipal water mains located down gradient from hazardous waste disposal sites may become contaminated by infiltration of leachate or polluted groundwater through cracks, ruptures, or poorly sealed joints in piping. Technologies applicable to the control of such contamination to water and sewer lines include:

a) Grouting;

b) Pipe relining and sleeving;

c) Sewer relocation.

**Section 750.484 Engineering Methods for On-Site Actions — Treatment Technologies — Gaseous Emissions Treatment**

Gases from waste disposal sites frequently contain malodorous and toxic substances, and thus require treatment before releases to the atmosphere. There are two basic types of gas treatment systems:

a) Vapor phase absorption;

b) Thermal oxidation.

**Section 750.485 Engineerig Methods for On-Site Actions — Treatment Technologies — Direct Waste Treatment Methods**

In most cases, these techniques can be considered long-term permanent solutions. Many of these direct treatmen methods are not fully developed and the applications and process reliability are not well demonstrated. Use of these techniques for waste treatment may require considerable pilot plant work. Technologies applicable to the direct treatment of wastes are:

a) Biological methods:

1) Treatment via modified conventional wastewater treatment techniques;

2) Anaerobic, aerated and facultative lagoons;

3) Supported growth biological reactors.

b) Chemical methods:

1) Chlorination;

2) Precipitation, flocculation, sedimentation;

3) Neutralization;

4) Equalization;

5) Chemical oxidation.

c) Physical methods:

1) Air stripping;

2) Carbon adsorption;

3) Ion exchange;

4) Reverse osmosis;

5) Permeable bed treatment;

6) Wet air oxidation;

7) Incineration.

**Section 750.486 Engineering Methods for On-Site Actions — Treatment Technologies — Contaminated Soils and Sediments**

In some cases where it can be shown to be cost-effective, contaminated sediments and soils will be treated on the site. Technologies available include:

a) Incineration;

b) Wet air oxidation;

c) Solidification;

d) Encapsulation;

e) In situ treatment:

1) Solution mining, (soil washing or soil flushing);

2) Neutralization/detoxification;

3) Microbiological degradation.

**Section 750.490 Methods for Remedying Releases — Off-Site Transport for Storage, Treatment, Destruction, or Secure Disposition**

a) General — Off-site transport or storage, treatment, destruction, or secure disposition off-site may be provided in cases where IEPA determines that such actions:

1) Are more cost-effective than other forms of remedial actions;

2) Will create new capacity to manage, in compliance with Subtitle G of the Board's regulations (35 Ill. Adm. Code 700: Subtitle G, Chapter I), hazardous substances in addition to those located at the effected facility; or

3) Are necessary to protect public health, welfare, or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials.

b) Contaminated soils and sediments may be removed from the site. Technologies used to remove contaminated sediments on soils include:

1) Excavation;

2) Hydraulic dredging;

3) Mechanical dredging;

**Section 750.492 Methods of Remedying Releases — Provision of Alternative Water Supplies**

Alternative water supplies can be provided in several ways:

a) Provision of individual treatment units;

b) Provision of water distribution system;

c) Provision of new wells in a new location or deeper wells;

d) Provision of cisterns;

e) Provision of bottled or treated water;

f) Provision of upgraded treatment for existing distribution systems.

**Section 750.494 Methods of Remedying Releases — Relocation**

Permanent relocation of residents, businesses, and community facilities may be provided where it is determined that human health is in danger and that along or in combination with other measures, relocation would be cost-effective and environmentally preferable to other remedial response.

Temporary relocation may also be taken in appropriate circumstances.

**Section 750.496 Worker Health and Safety**

IEPA personnel should be aware of hazards, due to a release of hazardous substances, to human health and safety and exercise great caution in allowing civilian or government personnel into an affected area until the nature of the release has been ascertained. Accordingly, IEPA personnel must conform to applicable OSHA requirements, IDL requirements, and other guidance. All private contractors who are working at the scene of a release must conform to applicable provisions of the Occupational Safety and Health Act, IDL requirements, and any other requirements deemed necessary by IEPA.

## SUBPART E: USE OF DISPERSANTS AND OTHER CHEMICALS

**Section 750.501 General**

a) The IEPA may authorize the use of dispersants and other chemicals on oil spills; provided, however,that such dispersants and other chemicals must be on the list of accepted dispersants prepared by the U.S. Environmental Protection Agency pursuant to Section 311(c)(2)(G) of the Clean Water Act (33 U.S.C. 466 et seq.), as amended.

b) In the case of dispersants and other chemicals not included on the list of accepted dispersants, IEPA will authorize use on a case-by-case basis not inconsistent with Federal requirements. Case-by-case approvals will be made by the Director or his designee.

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807
SOLID WASTE

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*AUTHORITY: Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1005, 1021.1, 1022 and 1027).*

*SOURCE: Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198, emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985 for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722 effective April 29, 1985.*

*NOTE: Capitalization is used to indicate that the language quotes or paraphrases a statute.*

*EDITORS NOTE: The regulations which appear in this part contain temporary rules adopted by the Pollution Control Board in R84-22B, effective April 29, 1985.*

## SUBPART A: GENERAL PROVISIONS

### Section 807.101 Authority, Policy and Purposes

Pursuant to the authority contained in Sections 5, 22 and 27 of the Environmental Protection Act, and consistent with the policy and purposes expressed in Section 20 thereof, the Board adopts the following Rules and Regulations.

**Section 807.102 Repeals**

These rules and regulations replace and supersede Rules and Regulations for Refuse Disposal Sites and Facilities, adopted by the Illinois Department of Public Health on March 22, 1966 and continuing in effect pursuant to Section 49(c) of the Environmental Protection Act "until repealed, amended or superseded by regulations under this Act," except that any proceeding arising from any occurrence happening prior to the applicable provision of these rules and regulations shall be governed by the above described Rules.

**Section 807.103 Severability**

If any provision of these regulations or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of these Regulations as a whole or of any part thereof not adjudged invalid.

**Section 807.104 Definitions**

Except as hereinafter stated, and unless a different meaning of a word or term is clear from its context, the definitions of words or terms as are used in this Part shall be the same as those used in the Environmental Protection Act.

"Abandonment" means the failure to initiate closure within 30 days after receipt of the "final volume of waste".

"Bedrock" means the solid rock exposed at the surface of the earth or overlain by unconsolidated material.

"Cell" means compacted refuse completely enclosed by cover material.

"Compaction" means the reduction of volume of material under load. Compaction is a "treatment".

"Cover material" means soil or other material that is used to cover compacted solid waste in a sanitary landfill and that is free of objects that would hinder compaction and free of content that would be conducive to vector harborage, feeding, or breeding.

"Development" means construction or installation of a "unit".

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water or into any well so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater. As used in this Part, "disposal" includes methods of storage or treatment in which there is no certain plan to remove wastes or waste residues from the storage or treatment unit to another unit for ultimate disposal.

"Facility", as used in this Part, means the same thing as "unit".

"Final volume of waste" means the last quantity of waste received by the operator at the site. A quantity of waste is assumed to be the final volume if the operator receives no additional waste within 30 days after receiving that quantity, unless the operator demonstrates that the operator expects additional waste. Waste arriving at the site for disposal in a manner which is not controlled by the operator does not affect the determination of when the final volume of waste was received by the operator.

"Groundwater" means water occurring in the zone of saturation in any aquifer or soil.

"Hazardous waste" is as defined in 35 Ill. Adm. Code 721.

"Indefinite storage" means "treatment" or "storage" in such a manner that a person would face technical difficulties or high costs in removing the wastes or waste residues from the treatment or storage unit to a disposal unit, so that it may become necessary to close the treatment or storage unit as a disposal unit. A treatment or storage unit in which wastes or waste residues remain for more than one year is assumed to be "indefinite storage" unless the operator demonstrates that it will be technically feasible and economically reasonable to remove the waste for ultimate disposal prior to or upon closure.

"Leachate" means liquid containing materials removed from solid waste.

"Lift" means an accumulation of refuse which is compacted into a cell and over which compacted cover is placed.

"Modification" means any physical change, or change in the method of operation, of a solid waste management unit. For purposes of permits issued pursuant to this Part, the Agency may specify conditions under which a solid waste management unit may be operated without causing a modification as herein defined.

"Operator" means a person who conducts a waste treatment, waste storage or wate disposal operation.

"Owner" means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person conducts a waste treatment, waste storage or waste disposal operation. The "owner" is the "operator" if there is no other person who is conducting a waste treatment, waste storage or waste disposal operation.

"Permeability" means the capability of a material to pass a fluid.

"Professional Engineer" means an engineer registered to practice engineering in the State of Illinois.

"Refuse" means waste.

"Salvaging" means the return of waste materials to beneficial use.

"Scavenging" means the removal of materials from a solid waste management unit in a manner not in conformity with the regulations governing salvaging.

"Site" means any location, place, or tract of land used for waste management. A site may include one or more units.

"Solid waste" means waste.

"Solid waste management" means "waste management".

"Storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such waste.

"Surface water" means all water the surface of which is exposed to the atmosphere.

"Treatment" means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste or so as to render such waste safer for transport, amenable for storage or reduced in volume.

"Unit" means any device, mechanism, equipment or area used for storage, treatment or disposal of waste.

"Vector" means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

"WASTE" MEANS ANY GARBAGE, SLUDGE FROM A WASTE TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY OR OTHER DISCARDED MATERIAL, INCLUDING SOLID, LIQUID, SEMI-SOLID, OR CONTAINED GASEOUS MATERIAL RESULTING FROM INDUSTRIAL, COMMERCIAL, MINING AND AGRICULTURAL OPERATIONS, OR FROM COMMUNITY ACTIVITIES, BUT

DOES NOT INCLUDE SOLID OR DISSOLVED MATERIALS IN DOMESTIC SEWAGE, OR SOLID OR DISSOLVED MATERIALS IN IRRIGATION RETURN FLOWS OR INDUSTRIAL DISCHARGES WHICH ARE POINT SOURCES SUBJECT TO PERMITS UNDER 35 ILL. ADM. CODE 309.102 or SOURCE, SPECIAL NUCLEAR, OR BY-PRODUCT MATERIALS AS DEFINED BY THE ATOMIC ENERGY ACT OF 1954, AS AMENDED (42 U.S.C. 2011 ET SEQ.) OR ANY SOLID OR DISSOLVED MATERIAL FROM ANY FACILITY SUBJECT TO THE FEDERAL SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87) OR THE RULES AND REGULATIONS THEREUNDER (Ill. Rev. Stat. 1983 Ch. 96 1/2, Par. 7901.01 et seq. And 62 Ill. Adm. Code 1700 Through 1845) (Section 3 (11) of the Act).

"Waste management" means the process of storage, treatment or disposal of waste, not including hauling or transport.

"Water table" means that surface in unconfined water at which the pressure is atmospheric and is defined by the levels at which water stands in wells that penetrate the water just far enough to hold standing water.

"Working face" means any part of a sanitary landfill where waste is being disposed.

*(Source: Amended at 9 Ill. Reg. 6722, effective April 29, 1985)*

## SUBPART B: SOLID WASTE PERMITS

### Section 807.201 Development Permits

Subject to such exemption as expressly provided in Section 21(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

### Section 807.202 Operating Permits

a) New Solid Waste Management Sites.

Subject to such exemption as expressly provided in Section 21(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

b) Existing Solid Waste Management Sites.

1) Subject to such exemption as expressly provided in Section 21(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any existing solid waste management site without an Operating Permit issued by the Agency not later than one year after the effective date of these Regulations.

2) All applications for Operating Permits shall be submitted to the Agency at least 90 days prior to the date on which such permit is required; however, the Agency may waive such provision when appropriate.

3) The Agency may, if necessary to prevent an unmanageable workload, extend the date by which Operating Permits are required for a period not to exceed 180 days. The Agency shall notify the persons affected and the Board, in writing, of such extension at least ninety days in advance of the date set forth in Section 202(b)(1).

c) Duration of Operating Permits.

All operating permits shall remain valid until the site is completed or closed, or until revoked, as provided herein.

### Section 807.203 Experimental Permits

a) To best aid the improvement of solid waste management technology, the Agency may issue Experimental Permits for processes or techniques that do not satisfy the standards for issuance set forth in Section 807.207, if the applicant can provide proof that the process or technique has a reasonable chance for success and that the environmental hazards are minimal.

b) A valid Experimental Permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Act or Regulations, but only to the extent that such action is based upon the failure of the process or technique.

c) All Experimental Permits shall have a duration not to exceed two years.

d) Application for renewal of an experimental permit shall be submitted to the Agency at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Agency shall not require the resubmittal of data and information so previously supplied to it.

### Section 807.204 Former Authorization

a) The issuance of any authorization to operate a solid waste management site prior to July 1, 1970 from any person does not excuse compliance with the requirements for obtaining an Operating Permit.

b) The issuance of an Operating Permit by the Agency on July 1, 1970 or thereafter, but prior to the effective date of these regulations, is a valid permit.

### Section 807.205 Applications for Permit

a) All applications for permit required under these Regulations shall contain all data and information specified in those Rules governing the type of unit or site for which the permit is required.

b) The Agency may adopt procedures requiring such additional information as is reasonably necessary to determine whether the waste management site will meet the requirements of the Act and Regulations.

c) The Agency may prescribe the form in which all information required under these Regulations shall be submitted.

d) All permit applications shall be signed by the owner and operator of the waste management site or their duly authorized agents, shall be accompanied by evidence of authority to sign the application and shall be certified as to all engineering features by a professional engineer.

e) All permit applications shall be mailed or delivered to the appropriate address designated by the Agency, and shall be sent by registered or certified mail, return

receipt requested or delivered in person. Applications which are hand-delivered shall be delivered to and receipted for by the Manager of the Agency's Division of Land Pollution Control or his designee.

f) An application for permit shall not be deemed filed until the Agency has received, at the designated address, all information, documents, and authorization in the form and with the content required by these Rules and related Agency procedures. However, if the Agency fails to notify the applicant within 45 days after the receipt of an application for development permit and 30 days after the receipt of an application for an operating permit, that the application is incomplete, and of the reasons, the application shall be deemed to have been filed on the date received by the Agency. An applicant may deem the Agency's notification that the application is incomplete as a denial of the permit for purposes of review pursuant to Section 40 of the Act.

g) If the Agency fails to take final action on the application for development permit within 90 days from the filing thereof, or on the application for operating permit within 45 days from the filing thereof, the applicant may deem the permit granted on the 91st day or the 46th day after the application was filed.

h) Any applicant for a permit may waive the requirement that the Agency shall take final action within 90 days or 45 days from the filing of the application.

i) The Agency shall send all notices of final action by registered or certified mail, return receipt requested. Final action shall be deemed to have taken place on the date that such notice is mailed.

j) If specifically authorized by statute, any person may petition the Board for a hearing before the Board to contest the issuance by the Agency. (Title X of the Act)

k) Upon receipt of a request for a permit required by these regulations, the Agency shall notify the State's Attorney and the Chairman of the County Board of the county in which the subject facility is located and each member of the General Assembly from the legislative district in which that site is located and the clerk of each municipality any portion of which is within 3 miles of the facility.

l) All applications filed after March 1, 1985, shall include, if required by Subparts E and F, a closure plan, a post-closure care plan, a closure cost estimate and a post-closure care cost estimate showing how the operator will close each unit and provide post-closure care in accordance with all applicable Board regulations.

*(Source: Amended at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.206 Permit Conditions**

a) As provided by Sections 39(a) and 21(d) of the Act, the Agency may impose such conditions in a permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with Regulations promulgated by the Board thereunder, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and stardards adopted thereunder;

b) The applicant may deem any condition imposed by the Agency as a denial of the permit for purposes of review pursuant to Section 40 of the Act.

c) All permits issued after March 1, 1985 snall include the following conditions:

1) A closure plan;

2) A post-closure care plan if required;

3) A requirement that the operator notify the Agency within 30 days after receiving the final volume of waste;

4) A requirement that the operator initiate implementation of the closure plan within 30 days after the site receives its final volume of waste;

5) A requirement that the operator not file any application to modify a closure plan less than 180 days prior to receipt of the final volume of waste;

6) A requirement that the operator provide financial assurance in accordance with Subpart F, in an amount equal to the current cost estimate for closure and post-closure care;

7) A requirement that the operator file revised cost estimates for closure and post-closure care at least every two years in accordance with Subpart F.

*(Source: Amended at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.207 Standards for Issuance**

The Agency shall not grant any permit, except an Experimental Permit under Section 807.203 unless the applicant submits adequate proof that the solid waste management site:

a) will be developed, modified, or operated so as not to cause a violation of the Act or the Rules, or has been granted a variance pursuant to Title IX of the Act; and

b) conforms to the design criteria promulgated by the Agency under Section 807.213, or conforms to such other criteria which the applicant demonstrates will achieve consistently satisfactory results; and

c) in the case of operating permits only, conforms to all conditions contained in the development permit.

**Section 807.208 Permit No Defense**

The existence of a permit under this Part shall not constitute a defense to a violation of the Act or this Park, except for development, modification or operation without a permit.

**Section 807.209 Permit Revision**

a) The Agency shall revise any permit issued by it to make the permit compatible with any relevant new regulations adopted by the Board.

b) The permittee may request modification of a permit at any time by filing pursuant to Section 807.205 an application reflecting the modification requested.

*(Source: Amended at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.210 Supplemental Permits**

No person shall cause or allow modification of any solid waste management site, or accept any type of waste except under conditions specified in a permit issued by the Agency. Development, operating and experimental permits may be modified by a supplemental permit issued by the Agency to allow such modifications.

**Section 807.211 Transfer of Permits**

No permit is transferable from one person to another except as approved by the Agency under procedures it adopts pursuant to Section 807.213.

**Section 807.212 Permit Revocation**

Violation of any permit conditions or failure to comply with any rule or regulation of this Part shall be grounds for sanctions as provided in the Act, including revocation of permit. Such sanctions shall be sought by filing a complaint with the Board pursuant to Title VIII of the Act.

**Section 807.213 Design, Operation, and Maintenance Criteria**

a) The Agency may adopt procedures which set forth criteria for the design, operation, and maintenance of solid waste management sites and other procedures the Agency deems reasonably necessary to perform its duties under this Part and as are consistent with Subpart C thereof. All such procedures shall be revised from time to time to reflect current engineering judgment and advances in the state of the art. Such procedures and revisions thereto shall not become effective until filed with the Index Division of the Office of the Secretary of State pursuant to "An Act concerning Administrative Rules," approved June 14, 1951, as amended.

b) Before adopting new criteria or making substantive changes to any criteria adopted by the Agency, the Agency shall:

1) publish a summary of the proposed changes in the Board Newsletter; and

2) provide a copy of full text of the proposed changes to all persons who hold Agency permits or have active applications pending, and any person who in writing so requests; and

3) defer adoption of the changes for 60 days from the date of publication to allow submission and consideration of written comments on the proposed changes.

**Section 807.214 Revised Cost Estimates**

a) A revised cost estimate is any cost estimate other than one which results from modification of a closure or post-closure care plan.

b) A revised cost estimate shall identify the operator, site and closure or post-closure care plan to which it relates, but need not include any additional information required pursuant to Section 807.205.

c) A revised cost estimate is a permit modification application. The revised cost estimate shall be deemed incorporated into the permit unless the Agency takes final action on the revised cost estimate within 90 days after its receipt as provided by Section 39(a) of the Act.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

## SUBPART C: SANITARY LANDFILLS

**Section 807.301 Prohibition**

No person shall cause or allow the operation of a sanitary landfill unless each requirement of this Subpart is performed.

**Section 807.302 Compliance with Permit**

All conditions and provisions of each permit shall be complied with.

**Section 807.303 Methods of Operation**

Unless otherwise specifically provided by permit, the following methods of oerations shall be followed:

a) Unloading - all refuse shall be deposited into the toe of the fill or into the bottom of the trench.

b) Spreading and Compacting - as rapidly as refuse is deposited at the toe of the fill, all refuse shall be spread and compacted in layers within the cell, such layers not to exceed a depth of two feet.

c) Working Face - the slope of the working face shall be maintained at a ratio of no greater than two horizontal to one vertical.

**Section 807.304 Equipment, Personnel and Supervision**

Sufficient equipment, personnel and supervision shall be available at the site to ensure that operations comply with the permit and the Act and Regulations.

**Section 807.305 Cover**

Unless otherwise specifically provided by permit, the following cover requirements shall be followed:

a) Daily Cover - a compacted layer of at least 6 inches of suitable material shall be placed on all exposed refuse at the end of each day of operation.

b) Intermediate Cover - at the end of each day of operation, in all but the final lift of a sanitary landfill, a compacted layer of at least 12 inches of suitable material shall be placed on all surfaces of the landfill where no additional refuse will be deposited within 60 days.

c) Final Cover - a compacted layer of not less than two feet of suitable material shall be placed over the entire surface of each portion of the final lift not later than 60 days following the placement of refuse in the final lift, unless a different schedule has been authorized in the Operating Permit.

**Section 807.306 Litter**

All litter shall be collected from the sanitary landfill site by the end of each working day and either placed in the fill and compacted and covered that day, or stored in a covered container.

**Section 807.307 Salvaging**

a) All salvaging operations at a sanitary landfill site shall be conducted in a sanitary manner.

b) All salvaging operations at a sanitary landfill site shall be confined to an area remote from the operating face of the landfill.

c) Salvaging operations at a sanitary landfill site shall not interfere with, or otherwise delay the operation of the landfill.

d) All materials for salvaging shall be removed from the landfill site daily, or shall be separated by type and properly stored so as not to create a nuisance, vector harborage, or unsightly appearance.

**Section 807.308 Scavenging**

No person shall cause or allow any scavenging operations at a sanitary landfill site.

**Section 807.309 Animal Feeding**

No person shall cause or allow feeding of farm or domestic animals upon the site of a sanitary landfill, or with refuse delivered to sanitary landfill site.

**Section 807.310 Special Wastes**

a) Hot Waste - except in an emergency, no person shall cause or allow the deposit at a sanitary landfill site of burning material. When such material is accepted, it shall be deposited at a specific location at the site designated by permit for such purpose, and the fire shall be immediately extinguished.

b) Hazardous and liquid waste - hazardous wastes or liquid wastes and sludges may be accepted at a sanitary landfill only if authorized by permit.

**Section 807.311 Open Burning**

No person shall cause or allow open burning at a sanitary landfill site except in accordance with the provisions of 35 Ill. Adm. Code: Subtitle B (prior to codification: Chapter 2, Part V: Open Burning), of the Rules and Regulations of the Pollution Control Board.

**Section 807.312 Air Pollution**

No person shall cause or allow operation of a sanitary landfill so as to cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under the Act.

**Section 807.313 Water Pollution**

No person shall cause or allow operation of a sanitary landfill so as to cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Polluiton Control Board under the Act.

**Section 807.314 Standard Requirements**

Except as otherwise authorized in writing by the Agency, no person shall cause or allow the development or operation of a sanitary landfill which does not provide:

a) Adequate shelter, sanitary facilities and emergency communications for employees;

b) Roads adequate to allow orderly operations within the site;

c) Fencing, gates, or other measures to control access to site;

d) Adequate measures for fire protection as approved by the Agency;

e) Adequate measures to monitor and control leachate;

f) Adequate measures to control dust and vectors;

g) An operational safety program approved by the Agency;

h) With respect to sanitary landfill sites for which permits are applied for following the effective date of these regulations, provision for concealing sanitary landfill operations from public view.

**Section 807.315 Protection of Waters of the State**

No person shall cause or allow the development or operation of a sanitary landfill unless the applicant proves to the satisfaction of the Agency that no damage or hazard will result to waters of the State because of the development and operation of the sanitary landfill.

**Section 807.316 Application**

a) An Application for a Development Permit for a sanitary landfill shall contain evidence adequate to prove to the Agency that the development of the sanitary landfill will not cause or tend to cause water or air pollution; will not violate applicable air and water quality standards; and will not violate any rule or regulation adopted by the Board. The Application shall include, unless waived in writing by the Agency as inapplicable to the site in question:

1) Legal description of the proposed sanitary landfill site;

2) Topographic map or maps of the sanitary landfill site drawn to the scale of 200 feet to the inch or larger, containing 5-foot contour intervals where the relief exceeds 20 feet, and 2-foot contour intervals where the relief is 20 feet or less, and referred to a United States Geological Survey datum;

3) Maps of the sanitary landfill site, and of the area within one-quarter mile of the boundaries of the site, drawn to scale, showing the location of:

A) waterways and surface drains; and

B) borings, wells, springs, and their surface elevations, and depths and elevations of water levels; and

C) field tile drains; and

D) underground and surface mines, elevations of mine pools, and mine pool discharges.

4) Land use and population density of the proposed sanitary landfill site and of the area surrounding the site within one mile of the site boundaries;

5) Sequence of earth materials at the proposed sanitary landfill site to a depth sufficient to assure the reliability of the site design;

6) Data obtained from soil samples taken from the proposed sanitary landfill site which describe the soil classification, grain size distribution, permeability, compactability, and ion-exchange properties of the subsurface materials for those strata which are essential to the design of the landfill;

7) Description of groundwater condition, including groundwater flow below and adjacent to the proposed sanitary landfill site, with an appraisal of the effect of the landfill on groundwater and surface waters;

8) Comprehensive analysis of water samples from on-site and nearby wells and surface waters;

9) Schedule of construction;

10) Topographic map indicating the proposed final contours and landscaping of the completed site with a statement of the proposed final use of the site, if known;

11) Description of the methods of operations; days and hours of operations; and number, and duties of employees;

12) Listing of sources and types of wastes to be received; and an estimate of daily quantity of wastes to be received;

13) A schedule of filling, methods of compaction of solid waste; and number, type, and size of compacting equipment;

14) Types and sources of daily, intermediate, and final cover to be used;

15) Map of the sanitary landfill site, drawn to scale, indicating the location of:

A) Water monitoring wells and gas monitoring points;

B) Points of entrance to and exit from the sanitary landfill site and to and from the operating area of the sanitary landfill;

C) Interior roads and ramps;

D) Devices for controlling litter;

E) Devices for controlling unauthorized access to the sanitary landfill site;

F) Drainage facilities, structures, walls, cribbing, surface protection devices, or any other devices as are necessary to comply with applicable water quality standards;

G) Fire protection facilities;

H) Utilities;

I) Salvage operations;

J) Fill area;

K) Borrow areas;

L) Gas and oil wells;

M) High tension power lines;

N) Fuel transmission pipelines;

O) Field tile drains;

P) Provisions for concealing the site from public view;

16) Evidence of notification required by the Public Act 77-1948, effective October 1, 1972; and

17) If exploration holes are drilled to obtain data, information showing the manner of plugging or sealing such holes.

b) Operating Permits.

1) An Application for an Operating Permit for a sanitary landfill shall contain evidence adequate to prove to the Agency that the operation of the sanitary landfill will not cause any violation of the Act or of Regulations promulgated by the Board. The Application shall include certification that all data and information required by Section 807.316(a) for a Development Permit has been provided, and that all conditions thereof have been complied with, except that no information already submitted to the Agency shall be required to be resubmitted and may be incorporated by reference into the Application for an Operating Permit.

2) The Agency shall not issue an Operating Permit until it has made an inspection of the developed site and has determined that the site has been so developed in accordance with the provisions of the application for development permit and is in compliance with the Act and all applicable regulations.

**Section 807.317 Operating Records**

Every holder of an operating permit shall submit to the Agency, Division of Land Pollution Control on or before the 15th day of January, April, July and October the water monitoring data required by permit.

**Section 807.318 Completion or Closure Requirements**

a) The owner or operator of a sanitary landfill site shall monitor gas, water and settling at the completed site for a period of three years after the site is completed or closed.

b) The owner or operator shall take whatever remedial action is necessary to abate any gas, water or settling problems which appear during the three year period.

c) The owner or operator shall, upon completion or closure, file a detailed description of the site, including a plat, with the appropriate county land recording authority for the county in which the site is located.

## SUBPART E: CLOSURE AND POST-CLOSURE CARE

**Section 807.501 Purpose, Scope and Applicability**

a) This Subpart contains general provisions governing closure and post-closure care of waste management sites. These general provisions may be supplemented by more specific closure and post-closure care requirements for certain types of waste management sites, specifically the closure and post-closure care requirements for sanitary landfills contained in Subpart C.

b) This Subpart requires a closure plan and, for some sites, a post-closure care plan. These will become permit conditions pursuant to Section 807.206. Sites which are not required to have a permit pursuant to Section 21(d) of the Act are not required to prepare a closure or post-closure care plan.

c) The closure and post-closure care plan form the basis of the cost estimates and financial assurance required by Subpart F for disposal sites. The closure plan is also used for making the determination as to whether a unit is a disposal unit or indefinite storage unit, which must provide financial assurance.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.502 Closure Performance Standard**

In addition to the specific requirements of this Part, an operator of a waste management site shall close the site in a manner which:

a) Minimizes the need for further maintenance; and

b) Controls, minimizes or eliminates post-closure release to waste, waste constituents, leachate, contaminated rainfall, or waste decomposition products to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.503 Closure Plan**

a) An operator of a waste management site shall have prepared a written closure plan which shall be a condition of the site permit.

b) The operator of an indefinite storage unit shall have prepared a written contingent closure plan which shall be a condition of the site permit. The contingent closure plan shall be the same as a closure plan, except as otherwise specifically provided.

c) The closure plan shall include as a minimum:

1) Steps necessary for the premature final closure of the site at the time during its intended operating life when the cost of closure will be the greatest;

2) Steps necessary for the final closure of the site at the end of its intended operating life;

3) Steps necessary to prevent damage to the environment during temporary suspension of waste acceptance if the operator wants a permit which would allow temporary suspension of waste acceptance at the site without initiating final closure;

4) A description of the steps necessary to decontaminate equipment during closure;

5) An estimate of the year in which the cost of premature closure will be the greatest;

6) An estimate of the expected year of closure;

7) Schedules for the premature and final closure which shall include at a minimum:

A) Total time required to close the site; and

B) Time required for closure activities which will allow tracking of the progress of closure; and

8) A description of methods for compliance with all closure requirements of this Part.

d) The closure plan shall be included in the permit application pursuant to Section 807.205.

e) Until closure has been completed, the operator shall maintain a copy of the closure plan at the site or at a definite location, specified in the permit, so as to be available during inspection of the site.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.504 Amendment of Closure Plan**

An operator of a waste management site shall file a permit application including a revised closure plan upon:

a) Modification of operating plans or site design affecting the closure other than modifications authorized in the permit; or

b) Modification of the operations of the site which affect the closure of the site or any portion of the site, other than modifications authorized in the permit, which include, but are not limited to:

1) A temporary suspension of waste acceptance at the site; or

2) A reduction or increase in the rate of waste acceptance at the site; or

c) Change in the expected year of closure or the year in which the cost of premature closure will be the greatest.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.505 Notice of Closure and Final Amendment to Plan**

a) An operator of a waste management site shall send to the Agency a notice of closure within 30 days after the date the final volume of waste is received at a waste management site for treatment, storage or disposal.

b) The operator of a waste management site shall not file an application to modify the closure plan less than 180 days before receipt of the final volume of waste. Failure to timely file shall not constitute a bar to consideration of such an application, but may be alleged in an enforcement action pursuant to Title VIII of the Act.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.506 Initiation of Closure**

a) An operator of a waste management site shall initiate the treatment, removal from the site or disposal of all wastes and waste residues other than those from indefinite storage units:

1) Within 30 days after receipt of the final volume of waste; and

2) In accordance with the closure plan.

b) The operator of an indefinite storage unit shall, within 30 days after receipt of a final volume of waste, either initiate:

1) Removal of all wastes and waste residues from the unit; or,

2) Closure of the unit in accordance with the contingent closure plan.

c) The operator must notify the Agency within 30 days after a temporary suspension of waste acceptance. The operator must comply with the requirements of any temporary suspension plan in the permit.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.507 Partial Closure**

a) The requirements of Subparts E and F apply to the entire site unless the permit divides the site into definite areas which include one or more units, in which case the operator may provide separate closure and post-closure care plans and cost estimates for each area. In such a case the Agency shall treat each area as a separate site for purposes of financial assurance.

b) If a site includes a disposal unit, then the operator must provide financial assurance for closure of associated treatment and storage units, even if the site is divided into areas as provided in paragraph (a).

c) Post-closure care of areas formed by dividing a site shall continue until post-closure care of the entire site is completed.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.508 Certification of Closure**

a) When closure is completed, the operator of a waste management site shall submit to the Agency:

1) Plan sheets for the closed site; and

2) An affidavit by the operator and by a professional engineer that the site has been closed in accordance with the closure plan.

b) If the Agency finds that the site has been closed in accordance with the specifications of the closure plan, and the closure requirements of this Part, the Agency shall:

1) Issue a certificate of closure for the site;

2) Notify the operator in writing that any applicable post-closure period has begun; and

3) Provide the date the post-closure care period begins.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.509 Use of Waste Following Closure**

After an operator initiates closure of a site the operator may accept waste for disposal or for use in closure and post-closure care only as authorized in the closure and post-closure care plans.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.523 Post-Closure Care Plan**

a) An operator of a disposal site shall have a written post-closure care plan which shall be a condition of the site permit.

b) The post-closure care plan shall include as a minimum a description of methods for compliance with all post-closure care requirements of this Part.

c) An operator of an indefinite storage unit shall have a written contingent post-closure care plan which shall include as a minimum a description of methods of compliance with all post-closure care requirements of this Part assuming the unit will be closed as a disposal unit without removal of all wastes and waste residues. The contingent post-closure care plan shall be the same as a post-closure care plan, except as otherwise specifically provided.

*(Source: Added at 9 Ill. Reg.6722, effective April 29, 1985)*

**Section 807.524 Implementation and Completion of Post-Closure Care Plan**

a) The operator of a waste disposal site shall implement the post-closure care plan commencing with receipt of a certification of closure pursuant to Section 807.508.

b) The operator of an indefinite storage unit shall implement the contingent post-closure care plan commencing with receipt of certification of closure pursuant to the contingent closure plan. The operator is not required to implement the contingent post-closure care plan if the Agency determines that the operator has removed all wastes and waste residues from the indefinite storage unit.

c) The Agency shall certify that the post-closure care period has ended when it determines:

1) That the post-closure care plan has been completed; and,

2) That the site will not cause future violations of the Act or this Part.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

## SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

**Section 807.600 Purpose, Scope and Applicability**

a) This Subpart provides procedures by which an operator of a waste disposal site can give "financial assurance satisfying the requirement of Section 21.1(a) of the Act" that such operator post with the Agency a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with the Act and Board rules.

b) Each operator must file a closure plan as part of a permit application. The operator of a disposal site or indefinite storage unit must also file a post-closure care plan (Sections 807.205, 807.503 and 807.523). The operator of a disposal site or indefinite storage unit must prepare a cost estimate of closure and post-closure care, and provide financial assurance in this amount (Sections 807.601 and 807.620). Financial assurance may be qiven through a combination of a trust agreement, bond guaranteeing payment, bond guaranteeing payment or performance, letter of credit, insurance or self-insurance (Section 807.640). The cost estimate and amount of financial assurance is to be updated at least on a biennial basis (Section 807.623).

c) This Subpart applies only to the non-governmental operators of disposal sites or indefinite storage units (Section 807.601). Whether a site is a disposal site or, alternatively, a treatment or storage site, depends on whether the closure plan provides for removal of all wastes and waste residues from the site prior to completion of closure. Whether a unit is an indefinite storage unit depends on the technical feasibility and economic reasonableness of removal of all wastes and waste residues prior to closure (Section 807.104).

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.601 Requirement to Obtain Financial Assurance**

No person shall conduct a waste disposal operation or indefinite storage operation which requires a permit under Section 21(d) of the Act unless such person has provided financial assurance in accordance with this Subpart.

a) The financial assurance requirement does not apply to the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site which may be owned or operated by such a government entity must provide financial assurance for closure and post-closure care of the site.

b) Financial assurance is required of all sites which, on or after March 1, 1985, accept waste for disposal or for indefinite storage.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.602 Time for Submission of Financial Assurance**

a) For sites first receiving waste for disposal after March 1, 1985, the owner or operator must provide financial assurance before receipt of waste for disposal.

b) For sites which are required to obtain financial assurance as of March 1, 1985, as provided in Section 807.601, financial assurance must be tendered to the Agency before March 1, 1985 in an amount equal to the cost estimate, which may be based on closure and post-closure care plans or on the formula of Section 807.624.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.603 Upgrading Financial Assurance**

a) The operator must maintain financial assurance equal to or greater than the current cost estimate at all times except as provided in this Section.

b) The operator must increase the total amount of financial assurance so as to equal the current cost estimate within 90 days after any of the following:

1) An increase in the current cost estimate;

2) A decrease in the value of a trust fund;

3) A determination by the Agency that an operator no longer meets the gross revenue or financial test; or,

4) Notification by the operator that the operator intends to substitute alternate financial assurance for self-insurance.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.604 Release of Financial Institution**

The Agency will agree to release a trustee, surety, insurer or other financial institution when:

a) An operator substitutes alternate financial assurance such that the total financial assurance for the site is equal to or greater than the current cost estimate without counting the amounts to be released; or,

b) The Agency releases the operator from the requirements of this Subpart.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.605 Application of Proceeds and Appeal**

a) The Agency may sue in any court of competent jurisdiction to enforce its rights under financial instruments. The filing of an enforcement action before the Board is not a condition precedent except when this Subpart or the terms of the instrument so provide.

b) As provided in Titles VIII and IX of the Act and 35 Ill. Adm. Code 103 and 104, the Board may order modifications in permits to change the type or amount of financial assurance pursuant to an enforcement action or a variance petition. Also, the Board may order a closure or post-closure care plan modified, and order proceeds from financial assurance applied to execution of a closure or post-closure care plan.

c) The following Agency actions may be appealed as a permit denial to the Board pursuant to 35 Ill. Adm. Code 105 and Section 21.1(e) of the Act:

1) Refusal to accept financial assurance tendered by the operator.

2) Refusal to release the operator from the requirement to maintain financial assurance.

3) Refusal to release excess funds from a trust.

4) Refusal to approve a reduction in the penal sum of a bond.

5) Refusal to approve a reduction in the amount of a letter of credit.

6) Refusal to approve a reduction in the face amount of an insurance policy.

7) Determination that an operator no longer meets the gross revenue test or financial test.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.606 Release of the Operator**

a) Within 60 days after receiving affidavits from the operator and a professional engineer that closure has been accomplished in accordance with the closure plan, the Agency will notify the operator in writing that it is no longer required by this Subpart to maintain financial assurance for closure of the particular site, unless the Agency has reason to believe that closure has not been in accordance with the closure plan.

b) Within 60 days after receiving affidavits from the operator and a professional engineer that post-closure care has been completed in accordance with the post-closure care plan and the requirements this Part, the Agency will notify the operator in writing that it is no longer required to maintain financial assurance for post-closure care of the site, unless the Agency has reason to believe that continued post-closure care is required pursuant to the post-closure care plan and this Part.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.620 Current Cost Estimate**

The current cost estimate equals:

a) The current closure cost estimate, plus;

b) The current post-closure care cost estimate.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.621 Cost Estimate for Closure**

a) The operator must have a written estimate of the current cost of closing the site in accordance with the closure plan. The cost estimate shall be a condition of the permit.

b) The operator must revise the closure cost estimate whenever a change in the closure plan increases the closure cost estimate.

c) The closure cost estimate must be based on the steps necessary for the premature final closure of the site at the time during its intended operating life when the cost of closure will be greatest, or on the steps necessary for the final closure of the site at the end of its intended operating life, whichever is the most expensive.

d) Assumptions:

1) The closure cost estimate must be based on the assumption that the Agency will contract with a third party to implement the closure plan.

2) The closure cost estimate may not be reduced by allowance for salvage value of equipment or waste, or for resale value of land.

e) The closure cost estimate must, at a minimum, include the following elements, if required in the site permit for closure of the site:

1) The area which is to receive final cover;

2) The source of the cover material;

3) The cost of obtaining, moving and placing the cover material;

4) The cost of final grading of the cover material;

5) The cost of moving and placing topsoil on the final cover;

6) The cost of:

A) Fertilizing;

B) Seeding;

C) Mulching.

7) The cost of installation of gas control equipment;

f) This Section does not grant authority to the Agency to require the operator to perform any of the indicated activities; however, if the site permit requires a closure activity, the operator must include the cost in the cost estimate. Once the operator has completed an activity, the operator may file a permit application indicating that the activity has been completed, and zeroing that element of the cost estimate.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.622 Cost Estimate for Post-closure Care**

a) The operator of a disposal site must have a written estimate of the annual current cost of post-closure monitoring and maintenance of the site in accordance with the applicable post-closure care regulations of this Part. The post-closure care cost estimate is calculated by multiplying the annual cost estimate by the number of Years of post-closure care required by this Part. The post-closure care cost estimate shall be a condition of the permit.

b) Until the Agency has issued a certificate of closure for the site, the operator must revise the post-closure care cost estimate whenever a change in the post-closure care plan increases the cost estimate.

c) Assumptions:

1) The post-closure cost estimate must be based on the assumption that the Agency will contract with a third party to implement the post-closure care plan;

2) The post-closure cost estimate may not be reduced by allowance for salvage value of equipment or waste, or for resale value of land.

d) The post-closure care cost estimate must, at a minimum, include the following elements if required in the site permit for post-closure care of the site:

1) Number of years of post-closure care required.

2) Groundwater monitoring:

A) Number of monitoring points;

B) Parameters to be monitored;

C) Frequency of sampling;

D) Cost per parameter per sampling.

3) Cover stabilization:

A) Estimate of the area which is expected annually to require residual settlement or erosion control work;

B) Annual cost of residual settlement and erosion control work;

C) Annual cost of mowing.

e) This Section does not grant authority to the Agency to require the operator to perform any of the indicated activities; however, if the site permit requires a closure activity, the operator must include the cost in the cost estimate. Once the operator has completed an activity, the operator may file a permit application indicating that the activity has been completed, and zeroing that element of the cost estimate.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.623 Biennial Revision of Cost Estimates**

a) The operator must revise the current cost estimate at least once every two years. The revised current cost estimate must be filed on or before the second anniversary of the filing or last revision of the current cost estimate.

b) The operator must review the closure and post-closure care plans prior to filing a revised cost estimate in order to determine whether they are consistent with current operations and regulations. The operator must either certify that the plans are consistent, or must file an application reflecting new plans.

c) The operator must prepare new closure and post-closure cost estimates reflecting current prices for the items included in the estimates. The operator must file revised estimates even if the operator determines that there are no changes in the prices.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.624 Interim Formula for Cost Estimate**

a) An operator may temporarily utilize the formula of this Section for preparing a cost estimate instead of preparing a cost estimate based on closure and post-closure care plans. No permit application filed after March 1, 1985 may utilize this formula. Each operator must file an application to modify the site permit to include closure and post-closure care plans and cost estimates by March 1, 1988.

b) References to closure and post-closure care plans in financial assurance instruments shall be construed to refer to the closure and post-closure care requirements of this Part and the permit for the site.

c) This formula may not be utilized in lieu of the plans and cost estimates required under 35 Ill. Adm. Code 724 and 725.

d) The following abbreviations and symbols are used in the formula

1) AWR: Annual waste received at the site in cubic yards.

2) AD: Average depth of the landfill in feet.

3) Y: Years expected to lapse between cessation of application of cover by the operator and implementation of site clean-up by the Agency. Y is assumed to be three years.

4) CPA: Cost per acre of placing final cover, grading, seeding and venting CPA is assumed to be $5000/acre.

5) A: Area requiring final cover in acres.

6) P: Fraction of final cover expected to require subsidence or erosion control each year. P is assumed to be 0.05.

7) M: Number of monitoring wells existing or required in the permit. M cannot be less than three.

8) CE: Cost estimate in dollars.

e) Area requiring final cover

1) A(1) is the total area which has received waste but which has not received final cover in accordance with Section 807.305(c) as of January 1, 1985.

2) A(2) is the total area which would require final cover after Y years of uncontrolled operation according to the following formula:

$$A(2) = (Y)(AWR) = 3\ AWR$$
$$3200(AD)\ \ 3200\ AD$$

3) A(3) = A(1) + A(2)

4) A(4) is the total permitted area which has not received final cover in accordance with Section 807.305(c) as of January 1, 1985

5) Area requiring final cover (A) is the smaller of A(3) or A(4)

f) Cost estimate (dollars)

CE = (CPA)(A) + 3((CPA)(P)(A) + 600(M))

= 5750A + 1800M

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.640 Mechanisms for Financial Assurance**

The operator of a waste disposal site may utilize any of the following mechanisms to give financial assurance for closure and post-closure care:

a) Trust Fund (Section 807.661);

b) Surety Bond Guaranteeing Payment (Section 807.662);

c) Surety Bond Guaranteeing Performance (Section 807.663);

d) Letter of Credit (Section 807.664);

e) Closure Insurance (Section 807.665); or,

f) Self-insurance (Section 807.666).

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.641 Use of Multiple Financial Mechanisms**

An operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, letters of credit and insurance. The mechanisms must be as specified in Sections 807.661, 807.662, 807.664 and 807.665, respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current cost estimate. The operator may use any or all of the mechanisms to provide for closure and post-closure care of the site.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.642 Use of a Financial Mechanism for Multiple Sites**

An operator may use a financial assurance mechanism specified in this Subpart to meet the requirements of this Subpart for more than one site. Evidence of financial assurance submitted to the Agency must include a list showing, for each site, the name, address and the amount of funds assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each site. The amount of funds available to the Agency must be sufficient to close and provide post-closure care for all of the operator's sites. In directing funds available through the mechanism for closure and post-closure care for any of the sites covered by the mechanism, the Agency may direct only the amount of funds designated for that site, unless the operator agrees to the use of additional funds available under the mechanism.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.643 Trust Fund for Unrelated Sites**

Any person may establish a trust fund for the benefit of the Agency which may receive funds from more than one operator for closure of different sites. Such a trust fund shall operate like the trust fund specified in Section 807.661, except as follows:

a) The trustee shall maintain a separate account for each site and shall evaluate such annually as of the day of creation of the trust;

b) The trustee shall annually notify each operator and the Agency of the evaluation of each operator's account;

c) The trustee shall release excess funds as required from the account for each site;

d) The trustee shall reimburse the operator or other person authorized to perform closure or post-closure care only from the account for that site.

e) The Agency may direct the trustee to withhold payments only from the account for the site for which it has reason to believe the cost of closure and post-closure care will be significantly greater than the value of the account for that site.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.644 RCRA Financial Assurance**

The operator is not required to give financial assurance pursuant to this Subpart if the operator demonstrates:

a) That closure and post-closure care plans filed pursuant to 35 Ill. Adm. Code 724 or 725 will result in closure and post-closure care of the site in accordance with the requirements of this Part; and,

b) That the operator has provided financial assurance adequate to provide for such closure and post-closure care pursuant to 35 Ill. Adm. Code 724 or 725.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.661 Trust Fund**

a) An operator may satisfy the requirements of this Subpart by establishing a trust fund which conforms to the requirements of this Section and submitting an original, signed duplicate of the trust agreement to the Agency.

b) The trustee must be an entity which has the authority to act as a trustee and:

1) Whose trust operations are regulated by the Illinois Commissioner of Banks and Trust Companies; or,

2) Who complies with the Foreign Corporations as Fiduciaries Act, (Ill. Rev. Stat. 1983, ch. 17, par. 2801 et seq.).

c) The trust agreement must be on forms Appendix A and the trust agreement must be accompanied by a formal certification of acknowledgment.

d) Payments into the trust:

1) The operator must make a payment into the trust fund each year during the pay-in period.

2) The pay-in period is the number of years remaining until the site reaches the stage in its expected operating life at which the cost of premature closure would be the greatest, as indicated by its closure plan. Provided, however, that the pay-in period shall not be less than three years nor greater than ten years.

3) Annual payments are determined by the following formula:

Annual payment = (CE-CV)/Y
where:

CE = Current cost estimate
CV = Current value of the trust fund
Y = Number of years remaining in the pay in period.

4) The operator must make the first annual payment prior to the initial receipt of waste for disposal, or prior to March 1, 1985 for sites receiving waste for disposal prior to that date. The operator must also, prior to such initial receipt of waste, submit to the Agency a receipt from the trustee for the first annual payment.

5) Subsequent annual payments must be made no later than 30 days after each anniversary of the first payment.

6) The operator may accelerate payments into the trust fund, or may deposit the full amount of the current cost estimate at the time the fund is established.

e) The trustee must evaluate the trust fund annually as of the day the trust was created, or on such earlier date as may be provided in the agreement. The trustee must notify the operator and the Agency of the value within 30 days after the evaluation date.

f) Release of excess funds:

1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the operator may submit a written request to the Agency for release from the trust fund of the amount in excess of the current cost estimate.

2) Within 60 days after receiving a request from the operator for release of funds, the Agency will instruct the trustee to release to the operator such funds as the Agency specifies in writing.

g) Reimbursement for closure and post-closure care expenses:

1) After initiating closure, an operator or any other person authorized to perform closure or post-closure care may request reimbursement for closure or post-closure care expenditures by submitting itemized bills to the Agency.

2) Within 60 days after receiving bills for closure or post-closure care activities, the Agency will determine whether the expenditures are in accordance with the closure or post-closure care plan and if so, it will instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing.

3) If the Agency has reason to believe that the cost of closure and post-closure care will be significantly greater than the value of the trust fund, it may withhold reimbursement of such amounts as it deems prudent until it determines that the operator is no longer required to maintain financial assurance for closure and post-closure care.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.662 Surety Bond Guaranteeing Payment**

a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency.

b) The surety company issuing the bond must be licensed by the Illinois Department of Insurance.

c) The surety bond must be on forms specified in Appendix A.

d) Any payments made under the bond will be placed in the landfill closure and post-closure fund within the State Treasury.

e) Conditions:

1) The bond must guarantee that the operator will provide closure and post-closure care in accordance with the closure and post-closure care plans in the permit.

2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction; or,

D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.

2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

g) Term:

1) The bond shall be issued for a term of at least four years and shall not be cancelable during that term.

2) If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will not serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.

2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the surety.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.663 Surety Bond Guaranteeing Performance**

a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency.

b) The surety company issuing the bond must be licensed by the Illinois Department of Insurance.

c) The surety bond must be on forms specified in Appendix A.

d) Any payments made under the bond will be placed in the landfill closure and post-closure fund within the State Treasury.

e) Conditions:

1) The bond must guarantee that the operator will provide closure and post-closure care in accordance with the closure and post-closure care plans in the permit. The surety shall have the option of providing closure and post-closure care in accordance with the closure and post-closure care plans, or of paying the penal sum.

2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction; or,

D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans.

f) Penal sum:

1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.

2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

g) Term:

1) The bond shall be issued for a term of at least four years and shall not be cancelable during that term.

2) If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will not serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.

2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the surety.

i) The surety will not be liable for deficiencies in the performance of closure by the operator after the Agency releases the operator from the requirements of this Subpart.

**Section 807.664 Letter of Credit**

a) An operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Section and submitting the letter to the Agency.

b) The issuing institution must be an entity which has the authority to issue letters of credit and:

1) Whose letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies; or,

2) Whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

c) Forms:

1) The letter of credit must be on forms specified in Appendix A.

2) The letter of credit must be accompanied by a letter from the operator referring to the letter of credit by number, issuing institution and date and providinq the following information: name and address of the site and the amount of funds assured for closure of the site by the letter of credit.

d) Any amounts drawn by the Agency pursuant to the letter of credit will be deposited in the landfill closure and post-closure fund within the State Treasury.

e) Conditions on which the Agency may draw on the letter of credit:

1) The Agency may draw on the letter of credit if the operator fails to perform closure or post-closure care in accordance with the closure and post-closure care plans.

2) The Agency may draw on the letter of credit when the operator:

A) Abandons the site;

B) Is adjudicated bankrupt;

C) Fails to initiate closure or post-closure care of the site when ordered to do so by the Board or a court of competent jurisdiction; or

D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to provide closure and post-closure care in accordance with the closure and post-closure care plans.

f) Amount:

1) The letter of credit must be issued in an amount at least equal to the current cost estimate.

2) The Agency shall approve a reduction in the amound whenever the current cost estimate decreases.

g) Term:

1) The letter of credit shall be irrevocable and shall be issued for a term of at least four years.

2) If the operator fails to substitute alternate financial assurance prior to expiration of a letter of credit, the term of the letter of credit shall be automatically extended for one twelve-month period starting with the date of expiration. During such extension the letter of credit will not serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the operator or another person provides financial assurance for closure and post-closure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and post-closure care as required by this Part.

2) After closure and post-closure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the financial institution.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.665 Closure Insurance**

a) An operator may satisfy the requirements of this Subpart by obtaining closure and post-closure care insurance which conforms to the requirements of this Section and submitting an executed duplicate original of such insurance policy to the Agency.

b) The insurer must be licensed to transact the business of insurance by the Illinois Department of Insurance.

c) The policy must be on forms approved by the Illinois Department of Insurance.

d) Face amount:

1) The closure and post-closure care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

2) The Agency shall approve a reduction in the amount of the policy whenever the current cost estimate decreases.

e) The closure and post-closure care insurance policy must guarantee that funds will be available to close the site and to provide post-closure care thereafter. The policy must also guarantee that, once closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies. The insurer will be liable when:

1) The operator abandons the site;

2) The operator is adjudicated bankrupt;

3) The Board or a court of competent jurisdiction orders the site closed;

4) The operator notifies the Agency that it is initiating closure; or

5) Any person initiates closure with approval of the Agency.

f) After initiating closure, an operator or any other person authorized to perform closure or post-closure care may request reimbursement for closure and post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for closure or post-closure care activities, the Agency will determine whether the expenditures are in accordance with the closure plan or post-closure care plan, and if so, will

instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing. If the Agency has reason to believe that the cost of closure and post-closure care will be significantly greater than the face amount of the policy, it may withhold reimbursement of such amounts as it deems prudent until it determines that the operator is no longer required to maintain financial assurance.

g) Cancellation:

1) The operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy.

2) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration the premium due is paid.

h) Each policy must contain a provision allowing assignment of the policy to a successor operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Section 807.666 Self-insurance for Non-commercial Sites**

a) Definitions: The following terms are used in this Section. The definitions are intended to assist in the understandinq of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting principles.

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Generally accepted accounting principles" means Accounting Standards, Financial Accounting Standards Board, June, 1984, which is hereby incorporated by reference. This incorporation includes no later amendments or editions.

"Gross Revenue" means total receipts less returns and allowances.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means tangible assets less liabilities; tangible assets do not include intangibles such as goodwill and rights to patents or royalties.

b) An operator may satisfy the financial assurance requirements of this Part by providing the following:

1) Bond without surety promising to pay the cost estimate (paragraph (c)).

2) Proof that the operator meets the gross revenue test (paragraph (d)).

3) Proof that the operator meets the financial test (paragraph (e)).

c) Bond without surety. An operator utilizing self-insurance must provide a bond without surety on forms provided in Appendix A. The operator must promise to pay the current cost estimate to the Agency unless the operator provides closure and post-closure care in accordance with the closure and post-closure care plans.

d) Gross revenue test. The operator must demonstrate that less than one-half of its gross revenues are derived from waste disposal operations.

e) Financial test:

1) To pass the financial test the operator must meet the criteria of either paragraph (e)(1)(A) or (e)(1)(B):

A) The operator must have:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5; and

ii) Net working capital and tangible net worth each at least six times the current cost estimate; and

iii) Tangible net worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of the operator's total assets and at least six times the current cost estimate.

B) The operator must have:

i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and

ii) Tangible net worth at least six times the current cost estimate; and

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the current cost estimate.

2) To demonstrate that it meets this test, the operator must submit the following items to the Agency:

A) A letter signed by the operator's chief financial officer and worded as specified in Appendix A; and

B) A copy of the independent certified public accountant's report on examination of the operator's financial statements for the latest completed fiscal Year; and

C) A special report from the operator's independent certified public accountant to the operator stating that:

i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

f) Updated information:

1) After the initial submission of items specified in paragraphs (d) and (e), the operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year.

2) If the operator no longer meets the requirements of paragraphs (d) and (e), the operator must send notice to the Agency of intent to establish alternate financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the operator no longer meets the requirements.

g) Qualified opinions. If the opinion required in paragraphs (e)(2)(B) and (e)(2)(C) includes an adverse opinion or a disclaimer of opinion, the Agency shall disallow the use of self-insurance. If the opinion includes other qualifications, the Agency shall disallow the use of self-insurance if:

1) The qualifications relate to the numbers which are used in the gross revenue test or the financial test; and,

2) In light of the qualifications, the operator has failed to demonstrate that it meets the gross revenue test or financial test.

h) Parent corporation. An operator may satisfy the financial assurance requirements of this Part by demonstrating that a corporation which owns an interest in the operator meets the gross revenue and financial tests. The operator must also provide a bond with the parent as surety (Appendix A).

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

APPENDIX A ILLUSTRATION A

# TRUST AGREEMENT

Trust Fund Number _____

Trust Agreement, the "Agreement," entered into as of the _____ day of _____, by and between _____, a _____, the "Grantor," and _____, the "Trustee."

Whereas, Section 21.1 of the Environmental Protection Act, "Act", prohibits any person from conducting any waste disposal operation unless such person has posted with the Illinois Environmental Protection Agency, "IEPA", a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with the Act and Illinois Pollution Control Board, "IPCB", rules.

Whereas, the IPCB has established certain regulations applicable to the Grantor, requiring that an operator of a waste disposal site provide assurance that funds will be available when needed for closure and/or post-closure care of the site.

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the sites identified in this agreement.

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this Agreement, and the Trustee is willing to act as trustee.

Whereas, Trustee is an entity which has authority to act as a trustee and whose trust operations are regulated by the Illinois Commissioner of Banks & Trust Companies or who complies with the Foreign Corporations as Fiduciaries Act (Ill. Rev. Stat. 1983, ch. 17, par. 2801, et seq.) (Line through any condition which does not apply.)

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the operator.

b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Sites and Cost Estimates. This Agreement pertains to the sites and cost estimates identified on attached Schedule A (on Schedule A, list the name and address and initial cost estimate of each site for which financial assurance is demonstrated by this agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the IEPA. The Grantor and the Trustee intend that no other third party have access to the Fund except as provided in this agreement. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached to this agreement. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits on the Fund, less any payments or distributions made by the Trustee pursuant to this agreement. The Fund shall be held by the Trustee, in trust, as provided in this agreement. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor.

Section 4. Payment for Closure and Post-Closure Care. The Trustee shall make payments from the Fund as the IEPA shall direct, in writing, to provide for the payment of the costs of closure and/or post-closure care of the sites covered by this agreement. The Trustee shall reimburse the Grantor or other persons as specified by the IEPA from the Fund for closure and post-closure expenditures in such amounts as the IEPA shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the IEPA specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trust Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

a) Securities or other obligations of the Grantor, or any other owner or operator of the site, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal government or the State of Illinois;

b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by the Federal Deposit Insurance Corporation or Federal Savings & Loan Insurance Corporation.

c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this agreement or by law, the Trustee is expressly authorized and empowered·

a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expedience of any such sale or other disposition;

b) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers granted in this agreement;

c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depositary even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund.

d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by the Federal Deposit Insurance Corporation or Federal Savings & Loan Insurance Corporation; and

e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee, to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually furnish to the Grantor and to the IEPA a statement confirming the value of the Trust. The evaluation day shall be each year on the _____ day of _____. Any securities in the Fund shall be valued at market value as of the evaluation day. The Trustee shall mail the evaluation statement to the Grantor and the IEPA within 30 days after the evaluation day. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the IEPA shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and the successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the IEPA and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests and instructions by the Grantor to the Trustee shall be n writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests and instructions by the IEPA to the Trustee shall be in writing, signed by the IEPA Director or his designees, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or IEPA hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or IEPA, except as provided in this Agreement.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the IEPA, by certified mail within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee and the IEPA Director, or by the Trustee and the IEPA Director if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee and the IEPA Director, or by the Trustee and the IEPA, if the Grantor ceases to exist. Upon termination of the Trustee, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the IEPA Director issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed and enforced according to the laws of the State of Illinois.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written.

Attest: Signature of Grantor

_____

Typed Name

_____

Title

_____

Seal

Attest: Signature of Trustee

_____

Typed Name

_____

Title

_____

Seal

*(Source: Former Appendix A renumbered to Appendix B, new Appendix A, Illustration A adopted at 9 Ill. Reg. 6722, effective April 29, 1985)*

**APPENDIX A ILLUSTRATION B**

CERTIFICATE OF ACKNOWLEDGMENT

State of _____)
) SS
County of _____)

On this _____ day of _____, _____before me personally came _____ (operator) to me known, who, being by me duly sworn, did depose and say that she/he resides at _____ (address), that she/he is _____ _____ (title) of _____ (corporation), the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

_____

Notary Public

My Commission Expires

_____

*(Source: Added at 9 Ill. Reg. , effective April 29, 1985)*

APPENDIX A ILLUSTRATION C

## FORFEITURE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

_____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites:

IEPA: _____

Site Number: _____

Name: _____

Address: _____

City: _____

Amount guaranteed by this bond: $_____

IEPA: _____

Site Number: _____

Name: _____

Address: _____

City: _____

Amount guaranteed by this bond: $_____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: $_____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal provides closure and post-closure care for each site in accordance with the closure and post-closure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under the Environmental Protection Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021(d) to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021.1., to provide financial assurance for closure and post-closure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Principal fails to provide closure and post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Principal fails to do so provide when the Principal:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisidction; or

d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post closure care in accordance with the closure and post-closure care plans.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the surety that the Principal has failee to so provide closure and post-closure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-closure Fund. The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____; provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

| Principal | Corporate Surety |
|---|---|
| Signature _____ | Name _____ |
| Typed Name _____ | Address _____ |
| Title _____ | State of Incorporation _____ |
| Date _____ | Signature _____ |
| | Typed Name _____ |
| | Title _____ |
| Corporate seal | Corporate seal |

Bond premium: $_____

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**APPENDIX A ILLUSTRATION D**

PERFORMANCE BOND

**Date bond executed:** _____

**Effective date:** _____

**Principal:** _____

_____

**Type of organization:** _____

**State of incorporation:** _____

**Surety:** _____

**Sites:**

**IEPA Site Number:** _____

**Name:** _____

**Address:** _____

**City:** _____

**Amount guaranteed by this bond:** $_____

**IEPA Site Number:** _____

**Name:** _____

**Address:** _____

**City:** _____

Amount guaranteed by this bond $_____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: $_____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal provides closure and post-closure care for each site in accordance with the closure and post-closure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under the Environmental Protection Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021(d) to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021.1., to provide financial assurance for closure and post-closure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and post-closure care in accordance with the closure and post-closure care plans for the site if, during the term of the bond, the Principal fails to provide closure and post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

a) Abandons the site

b) Is adjudicated bankrupt;

c) Fails to initiate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction; or

d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and post-closure care in accordance with the closure and post-closure care plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and post-closure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-closure Fund.

If the Surety notifies the Agency that it intends to provide closure and post-closure care, then the Surety must initiate closure and post-closure care within 60 days after the IEPA mailed notice to the Surety that the Principal failed to provide closure and post-closure care. The Surety must complete closure and post-closure care in accordance with the closure and post-closure care plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____; provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

| Principal | Corporate Surety |
|---|---|
| Signature _____ | Name _____ |
| Typed Name _____ | Address _____ |
| Title _____ | State of Incorporation _____ |
| Date _____ | Signature _____ |
| | Typed Name _____ |
| | Title _____ |
| Corporate seal | Corporate seal |

Bond premium: $_____

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**APPENDIX A ILLUSTRATION E**

## IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trusts or our deposits are insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation. (Omit language which 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 reference to this letter of credit No. _____; and,

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001 et seq. and 35 Ill. Adm. code 807.664(e).

This letter of credit is effective as of _____ and shall expire on _____; but, such expiration date shall be automatically extended for one period of twelve months starting with the expiration date if the operator fails to substitute alternate financial assurance prior to the expiration of this letter of credit and you notify us of such failure within 30 days after the above expiration date.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois landfill closure and post-closure fund in accordance with your instructions.

This letter of credit is governed by the Uniform Commercial Code (Ill. Rev. Stat. 1983, ch. 26, pars. 1-101 et seq.).

Signature

_____

Typed Name

_____

Title

_____

Date

_____

_____

Name and address of issuing institution

This credit is subject to _____

_____

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**APPENDIX A ILLUSTRATION F**

CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR POST-CLOSURE CARE

Name and Address of Insurer ("Insurer"):

_____

_____

Name and Address of Insured ("Insured"):

_____

_____

Sites Covered:

IEPA Site Number _____

Name _____

Address _____

City _____

Amount insured for this site: $_____

IEPA Site Number _____

Name _____

Address _____

City _____

Amount insured for this site: $_____

Please attach a separate page if more space is needed for all sites.

Face Amount _____

Policy Number _____

Effective Date _____

The Insurer hereby certifies that it is licensed to transact the business of insurance by the Illinois Department of Insurance.

The insurer herby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for closure and post-closure care for the sites identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 35 Ill. Adm. Code 807.665, as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Name (Authorized Signature for Insurer)

_____

Typed Name

_____

Title

_____

Date

_____

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**APPENDIX A ILLUSTRATION G**

OPERATOR'S BOND WITHOUT SURETY

Date bond executed: _____

Effective date: _____

Operator: _____

Operator's address: _____

_____

Site: _____

IEPA Site Number _____

Site address: _____

_____

Penal sum: $_____

The operator promises to pay the penal sum to the Illinois Environmental Protection Agency unless the Operator provides closure and post-closure care of the site in accordance with the closure and post-closure care plans for the site.

Operator

Signature

_____

Typed Name

_____

Title

_____

Date

_____

Corporate seal

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**APPENDIX A ILLUSTRATION H**

OPERATOR'S BOND WITH PARENT SURETY

Date bond executed: _____

Effective Date: _____

Surety: _____

Surety's address: _____

Operator: _____

Operator's address: _____

Site: _____

IEPA Site Number _____

Site address: _____

Penal sum: $_____

The Operator and Surety promise to pay the above penal sum to the Illinois Environmental Protection Agency ("IEPA") unless the Operator provides closure and post-closure care of the site in accordance with the closure and post-closure care plans for the site. To the payment of the obligation the Operator and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Operator is required under the Environmental Protection Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021(d) to have a permit to conduct a waste disposal operation; and

Whereas the Operator is required, under Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1021.1, to provide financial assurance for closure and post-closure care; and

Whereas the Operator and Surety agree that this bond shall be governed by the laws of the State of Illinois; and

Whereas the Surety is a corporation which owns an interest in the Operator;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Operator fails to provide closure and post-closure care for any site in accordance with the closure and post-closure care plans for that site as guaranteed by this bond. The Operator fails to so provide when the Operator:

a) Abandons the site;

b) Is adjudicated bankrupt;

c) Fails to inititate closure of the site or post-closure care when ordered to do so by the Board or a court of competent jurisdiction; or

d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide post-closure care in accordance with the closure and post-closure care plans.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Operator has failed to so provide closure and post-closure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Post-closure Fund.

In Witness Whereof, the Operator and Surety have executed this bond and have affixed their seals on the date set forth above.

The persons who signatures appear below certify that they are authorized to execute this surety bond on behalf of the Operator and Surety.

| Operator | Surety |
|---|---|
| Signature | Name |
| Typed Name | Address |
| Title | State of Incorporation |
| Date | Signature |
| | Typed Name |
| | Title |
| Corporate seal | Corporate seal |

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

APPENDIX A ILLUSTRATION I

## LETTER FROM CHIEF FINANCIAL OFFICER

Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Sir or Madam:

I am the chief financial officer of _____

This letter is in support of this firm's use of the gross revenue test and financial test to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 807.666.

This letter is to demonstrate financial assurance for the following sites:

Operator: _____

IEPA Site Number: _____

Name: _____

Address: _____

City: _____

Current cost estimate: $_____

Operator: _____

IEPA Site Number: _____

Name: _____

Address _____

City _____

Current cost estimate: $_____

Please attach a separate page if more space is needed for all facilities.

Attached is an Operator's Bond without Surety or an Operator's Bond with Parent Surety for the current cost estimate for each site. (Strike inapplicable language)

### Gross Revenue Test

1. Gross revenue of the firm $_____
2. Gross revenue from waste disposal operations $_____
3. Line 2 divided by line 3 _____

Financial Test
Alternative I

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) $_____

2. Total liabilities (if any portion of the cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) $_____

3. Tangible net worth $_____

4. Net worth $_____

5. Current assets $_____

Current liabilities $_____

7. Net working capital (line 5 minus line 6) $_____

8. The sum of net income plus depreciation, depletion, and amortization $_____

9. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S. $_____

| | Yes | No |
|---|---|---|
| 10. Is line 3 at least $10 million? | _____ | _____ |
| 11. Is line 3 at least 6 times line 1? | _____ | _____ |
| 12. Is line 7 lat least 6 times line 1? | _____ | _____ |
| 13. Are at least 90% of firm's assets located in the U.S.? If not, complete line 14. | _____ | _____ |
| 14. Is line 9 at least 6 times line 1? | _____ | _____ |
| 15. Is line 2 divided by line 4 less than 2.0? | _____ | _____ |
| 16. Is line 8 divided by line 2 greater than 0.1? | _____ | _____ |
| 17. Is line 5 divided by line 6 greater than 1.5? | _____ | _____ |

Signature

_____

Typed Name

_____

Title

_____

Date

_____

Financial Test
Alternative II

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) $_____

2. Current bond rating of most recent issuance of this firm and name of rating service $_____

3. Date of issuance of bond $_____

4. Date of maturity of bond $_____

5. Tangible net worth (if any portion of the closure and post-closure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) $_____

6. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.) $_____

| | Yes | No |
|---|---|---|
| 7. Is line 5 at least $10 million? | _____ | _____ |
| 8. Is line 5 at least 6 times line 1? | _____ | _____ |
| 9. Are at least 90% of firm's assets located in the U.S.? If not, complete line 10. | _____ | _____ |
| 10. Is line 6 at least 6 times line 1? | _____ | _____ |

Signature

_____

Typed Name

_____

Title

_____

Date

_____

*(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985)*

**Appendix B** Old Rule Numbers Referenced

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

Chapter 7: Solid Waste35 Ill. Adm. Code 807

| | |
|---|---|
| Rule 101 | Section 807.101 |
| Rule 102 | Section 807.102 |
| Rule 103 | Section 807.103 |
| Rule 104 | Section 807.104 |
| Rule 201 | Section 807.201 |
| Rule 202 | Section 807.202 |
| Rule 203 | Section 807.203 |
| Rule 204 | Section 807.204 |
| Rule 205 | Section 807.205 |
| Rule 206 | Section 807.206 |
| Rule 207 | Section 807.207 |
| Rule 208 | Section 807.208 |
| Rule 209 | Section 807.209 |
| Rule 210 | Section 807.210 |
| Rule 211 | Section 807.211 |
| Rule 212 | Section 807.212 |
| Rule 213 | Section 807.213 |
| Rule 301 | Section 807.301 |
| Rule 302 | Section 807.302 |
| Rule 303 | Section 807.303 |
| Rule 304 | Section 807.304 |
| Rule 305 | Section 807.305 |
| Rule 306 | Section 807.306 |
| Rule 307 | Section 807.307 |
| Rule 308 | Section 807.308 |
| Rule 309 | Section 807.309 |
| Rule 310 | Section 807.310 |
| Rule 311 | Section 807.311 |
| Rule 312 | Section 807.312 |
| Rule 313 | Section 807.313 |
| Rule 314 | Section 807.314 |
| Rule 315 | Section 807.315 |
| Rule 316 | Section 807.316 |
| Rule 317 | Section 807.317 |
| Rule 318 | Section 807.318 |

*(Source: Appendix B renumbered from Appendix A at 9 Ill. Reg. 6722, effective April 29, 1985)*

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER h: SOLID WASTE AND SPECIAL WASTE HAULING

## PART 809
## SPECIAL WASTE HAULING

### SUBPART A: GENERAL PROVISIONS


| Section | |
|---|---|
| 809.101 | Authority, Policy and Purposes |
| 809.102 | Severability |
| 809.103 | Definitions |


### SUBPART B: SPECIAL WASTE HAULING PERMITS


| Section | |
|---|---|
| 809.201 | Special Waste Hauling Permits - General |
| 809.202 | Applications for Special Waste Hauling Permit - Contents |
| 809.203 | Applications for Special Waste Hauling Permit - Signatures and Authorization |
| 809.204 | Applications for Special Waste Hauling Permit - Filing and Final Action by the Agency |
| 809.205 | Special Waste Hauling Permit Conditions |
| 809.206 | Special Waste Hauling Permit Revision |
| 809.207 | Transfer of Special Waste Hauling Permits |
| 809.208 | Special Waste Hauling Permit Revocation |
| 809.209 | Permit No defense |
| 809.210 | General Exemption from Special Waste Hauling Permit Requirements |
| 809.211 | Exemptions for Special Waste Haulers |


### SUBPART C: DELIVERY AND ACCEPTANCE


| Section | |
|---|---|
| 809.301 | Requirements for Delivery of Special Waste to Haulers |
| 809.302 | Requirements for Acceptance of Special Waste from Haulers |


### SUBPART D: VEHICLE NUMBERS AND SYMBOLS


| Section | |
|---|---|
| 809.401 | Vehicle Numbers |
| 809.402 | Special Waste Symbols |


### SUBPART E: MANIFESTS, RECORDS AND REPORTING


| Section | |
|---|---|
| 809.501 | Manifests, Records, Access to Records and Reporting Requirements |


### SUBPART F: DURATION OF PERMITS AND TANK NUMBERS


| Section | |
|---|---|
| 809.601 | Duration of Special Waste Hauler Permits and Tank Numbers |


### SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS


| Section | |
|---|---|
| 809.701 | General Provision |


### SUBPART H: EFFECTIVE DATES


| Section | |
|---|---|
| 809.801 | Compliance Date |
| 809.802 | Exceptions |


### SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE


| Section | |
|---|---|
| 809.901 | Definitions |
| 809.902 | Disposal Methods |
| 809.903 | Rendering Innocuous by Sterilization |
| 809.904 | Rendering Innocuous by Incineration |
| 809.905 | Recordkeeping Requirements for Generators |
| 809.906 | Defense to Enforcement Action |

| | |
|---|---|
| Appendix | Old Rule Numbers Referenced |


*AUTHORITY: Implementing Sections 5, 10, 13 and 22 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1005, 1010, 1013, 1022, and 1027).*

*SOURCE: Adopted as an emergency rule at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment at 4 Ill. Reg. 34, p. 214, effective August 7, 1980 for a period of 150 days; emergency amendment at 5 Ill. Reg. 270, effective January 1, 1981 for a period of 150 days; amended at 5 Ill. Reg. 6378, effective June 12, 1981; codified at 7 Ill. Reg. 13640, effective September 30, 1983.*

### SUBPART A: GENERAL PROVISIONS

**Section 809.101 Authority, Policy and Purposes.**

Pursuant to the authority contained in Sections 5, 10, 13 and 22 of the Environmental Protection Act, and consistent with the policy and purposes expressed in Section 20 thereof, the Board adopts the following Rules and Regulations. These rules prescribe the procedures for issuance of permits to special waste haulers; for the inspection and numbering of vehicles; and for proper hauling of special wastes to approved disposal, storage and treatment sites. It is the purpose of these Regulations to control only wastes as defined herein.

**Section 809.102 Severability.**

If any provision of these rules or regulations is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole or of any Subpart, Section, Subsection, Sentence or Clause thereof not adjudged invalid.

**Section 809.103 Definitions**

"Act" means the Illinois Environmental Protection Act.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

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

"Garbage" means the waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce (see "Waste").

"Hazardous Waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical,

or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of Resource Conservation and Recovery Act of 1976, 42 U.S.C. par. 6901 et seq. or pursuant to Agency guidelines consistent with the requirements of the Act and Board regulations.

"Industrial Process Waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

"Manifest" means the form provided or prescribed by the Agency and used for identifying name, quantity, and the origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage, as required by this Part, 35 Ill. Adm. Code: Subtitle H, or by the Resource Conservation and Recovery Act of 1976, 42 U.S.C., par. 6901 et seq., or regulations thereunder.

"Permitted Disposal Site" means a sanitary landfill or other type of disposal site including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment which has a current, valid operating permit issued by the agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part specifically permitting the site to accept a special waste tendered for disposal.

"Permitted Storage Site" means any site used for the interim containment of special waste prior to disposal or treatment which has a current, valid operating permit issued by the Agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part, specifically permitting the site to accept a special waste tendered for storage.

"Permitted Treatment Site" means any site used to change the physical, chemical or biological character or composition of any special waste, including but not limited to a processing center, a reclamation facility or a recycling center which as a current, valid operating permit issued by the Agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part, specifically permitting the site to accept a special waste tendered for treatment.

"Person" means any individual, partership, 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 assignee.

"Pollution Control Waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution Control Waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings.

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 211-229 and 230.1-230-14 as now or hereafter amended (see "Waste").

"Septic Tank Pumpings" means the liquid portions and sludge residues removed from septic tanks.

"Site" means any location, place or tract of land and facilities used for collection, storage, disposal or treatment of special waste.

"Solid Waste" (see "Waste").

"Special Waste" means any "hazardous waste," "industrial process waste" or "pollution control waste."

"Special Waste Hauler" means any person who transports special waste from any location.

"Spill" means any accidental discharge of special waste.

"Storage" means the interim containment of special waste prior to disposal or treatment.

"Tank" means any bulk container placed on or carried by a vehicle to transport special waste, including wheel mounted tanks.

"Treatment" means any method, technique or process including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of special waste to render it less dangerous or nonhazardous. "Treatment" also includes reclamation, re-use and recycling of special waste.

"Truck" means any unitary vehicle used to transport special waste.

"Truck Tractor" means any motor vehicle used to transport special waste which is designed and used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Vehicle" means any device used to transport special waste in bulk or in packages, tanks or other containers.

"Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. "Waste" as here defined does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or in industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C., par. 1251 et seq.; or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, 42 U.S.C., par. 2011 et seq.; or radioactive materials discarded in accordance with the provisions of "Illinois Revised Statutes, 1977, Chapter 111 1/2, par. 230.1 et seq." approved August 16, 1963, as now or hereafter amended, and as authorized by regulations promulgated pursuant to the "Radiation Protection Act," Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 211 et seq; as now or hereafter amended. "Waste" as here defined is intended to be consistent with the definition of "solid waste" set forth in Section 1004(27) of resource Conservation and Recovery Act of 1976, 42 U.S.C., par. 6901 et seq.

## SUBPART B: SPECIAL WASTE HAULING PERMITS

### Section 809.201 Special Waste Hauling Permits - General

No person shall haul or otherwise transport any special waste generated within Illiois or any special waste to be disposed of, stored or treated within Illinois without a current, valid waste hauling permit issued by the Agency in accordance with the requirements of this Subpart unless the hauler is exempt from the special waste hauling permit requirements under this Subpart.

### Section 809.202 Applications for Special Waste Hauling Permit - Contents

Applications for special waste hauling permits shall be made on application forms prescribed by the Agency which as a minimum shall require the following information:

a) Name, address, telephone number and location of the vehicle owner and operator applying for the permit.

b) A description of the service to be provided, including the number and types of vehicles and tanks to be used.

c) An agreement by the vehicle owner and that operator identified in Subsection 809.202(a) that:

1) Special waste loading, hauling and unloading will be conducted in compliance with all applicable state and federal laws and regulations.

2) All vehicles and tanks used in special waste hauling will be clean and in good repair at all times when so employed.

3) All vehicles, tanks and associated piping, valving, etc., will be constructed and maintained to prevent leakage or spillage, and shall be cleanable.

4) No waste shall be mixed with other wastes in one tank or on one vehicle if such mixture results in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas or in violation of any applicable state or federal law and regulation.

5) The special waste hauling equipment and procedures to be used shall be proper for the permitted service, be safe for the haulers, handlers, and others, and meet the requirements of all other applicable state and federal laws and regulations.

d) The application may require additional information deemed necessary by the Agency consistent with the requirements of the Act and Board regulations and filed with the Index Division of the Office of the Secretary of State pursuant to "Illinois Administrative Procedure Act," Ill. Rev. Stat., 1977, Ch. 127, par. 1001 et seq.

### Section 809.203 Applications for Special Waste Hauling Permit - Signatures and Authorization

All special waste hauling permit applications shall be signed by the owner and operator of the vehicle; or, in the name of the owner and operator, by the owner's and operator's duly authorized agent when accompanied by evidence of authority to sign the application.

### Section 809.204 Applications for Special Waste Hauling Permit - Filing and Final Action by the Agency

a) An application for special waste hauling permit shall be deemed to be filed on the date of initial receipt by the Agency of a properly completed application on the form prescribed.

b) If the Agency fails to take final action (which includes granting or denying the special waste hauling permit as requested, or by granting the special waste hauling permit with conditions) within 90 days from the filing of the completed application, the applicant may deem the special waste hauling permit granted for a period of one calendar year commencing on the 91st day after the application was filed.

c) The Agency shall send all notices of final action by U.S. Registered or Certified Mail, return Receipt Requested. The Agency shall be deemed to have taken final action on the date that the notice of final action is mailed.

d) The Agency shall require the application to be complete and consistent with the provisions of the Act and Board regulations and may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application. If the application is complete and the granting thereof will not cause a violation of the Act or Board regulations, the Agency shall grant the permit.

### Section 809.205 Special Waste Hauling Permit Conditions

a) In granting special waste hauling permits hereunder, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and the Board regulations.

b) The applicant may deem any conditions imposed by the Agency as a denial of the special waste hauling permit for purposes of review pursuant to Section 40 of the Act.

### Section 809.206 Special Waste Hauling Pemit Revision

A special waste hauling permit issued hereunder is automatically modified to include any relevant change in the Act or Board regulations. The Agency shall revise any special waste hauling permit issued by the Agency under this Part to make the permit compatible with any such relevant changes and so notify the permittee. Failure of the Agency to issue a revised permit shall not excuse the permittee from compliance with any such change.

### Section 809.207 Transfer of Special Waste Hauling Permits

No special waste hauling permit is transferable from one person to another. A special waste hauling permit is personal to the persons named in the special waste hauling permit.

### Section 809.208 Special Waste Hauling Permit Revocation

Violation of any special waste hauling permit conditions or failure to comply with any provisions of the Act or with any Board regulation shall be grounds for sanctions as provided in the Act, including revocation of the permit as therein provided.

### Section 809.209 Permit No Defense

The existence of a special waste hauling permit under these rules shall not provide the permittee with a defense to a violation of the Act or Board regulations, except for hauling special waste without a special waste hauling permit.

### Section 809.210 General Exemption from Special Hauling Permit Requirements

Any person who generates a total quantity of special waste 220 pounds (100 kilograms) or less in any calendar month for disposal, storage or treatment within Illinois is exempt from the permit requirements of this Subpart and from the manifest pro-

visions in Subpart E of this Part. This exemption shall not constitute a defense to a violation of any provision of the Act or any applicable disposal, storage or treatment requirement of 35 Ill. Adm. Code 807.

**Section 809.211 Exemptions for Special Waste Haulers**

a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act, Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 116.301 et seq., and who hauls only septic tank pumpings, need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

b) Any person who hauls only livestock waste intended for land application pursuant to Agency Guideline WPC-2 need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

c) Generators and haulers of municipal water or wastewater treatment plant sludge which is to be applied to land and which is to be regulated under 35 Ill. Adm. Code: Subtitle C pursuant to a sludge management scheme approved by the Agency need not obtain a special waste hauling permit or prepare, carry and complete a manifest under this Part for that sludge.

d) Any person licensed in accordance with "An Act in relation to the Disposal of Dead Animals," Ill. Rev. Stat., 1977, Ch. 8, par. 149.1 et seq., and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer, need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

e) Any person operating under rules and regulations adopted pursuant to "An Act in relation to Oil, Gas, Coal and Other Surface and Underground Resources," Ill. Rev. Stat., 1977, Ch. 96 1/2, par. 5401 et seq., and who hauls only oil and gas extraction wastes as defined therein need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act, Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 211 et seq., need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

g) Any person holding a permit or certificate issued by the Illinois Commerce Commission or the Interstate Commerce Commission and who handles only shipments pursuant to a bill of lading in accordance with such Commission's regulations need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

h) Any person who hauls only coal combustion fly ash need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

## SUBPART C: DELIVERY AND ACCEPTANCE

**Section 809.301 Requirements for Delivery of Special Waste to Haulers**

No person shall deliver any special waste generated within Illinois or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency under Subpart B of this Part.

**Section 809.302 Requirements for Acceptance of Special Waste from Haulers**

a) No person shall accept any special waste for disposal, storage or treatment within Illinois from a special waste hauler unless the special waste hauler has a valid special waste hauling permit issued by the Agency under Subpart B of this Part and concurrently presents to the receiver of the special waste, or his agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste.

b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

## SUBPART D: VEHICLE NUMBERS AND SYMBOLS

**Section 809.401 Vehicle Numbers**

Upon issuance of a special waste hauling permit, the owner and operator of any vehicle used to transport special waste except truck tractors as defined in Subpart A shall display a number issued by the Agency on opposite sides of the permitted vehicle following the words, "Licensed Special Waste Hauler: (number)." Numbers and letters shall not be less than two inches high and shall be removable only by destruction. Directly adjacent to said words and number, the vehicle owner and operator shall display a seal furnished by the Agency which shall designate the date on which the permit was issued.

**Section 809.402 Special Waste Symbols**

All vehicles used to transport special waste and packages used to contain special waste shall be labeled, marked and placarded in accordance with regulations adopted by the Illinois Department of Transportation or the United States Department of Transportation or the United States Environmental Protection Agency, whichever has jurisdiction. This rule is provided for informational purposes only, and does not constitute an independently enforceable regulation with respect to labeling, marking and placarding requirements.

## SUBPART E: MANIFESTS, RECORDS AND REPORTING

**Section 809.501 Manifests, Records, Access to Records and Reporting Requirements**

a) Any person who delivers special waste to a permitted special waste hauler shall complete a manifest to accompany the special waste from delivery to the destination of the special waste. The manifest which shall be provided or prescribed by the Agency shall, as a minimum, contain the name of the generator of the special waste; when and where generated; name of the person from whom delivery is accepted and the name of the site from which delivered; the name of the special waste hauler; the date of delivery; the final disposal, storage or treatment site; and the name and quantity of the special waste delivered to the hauler.

b) The manifest shall be signed by the person who delivers special waste to a special waste hauler, such signature acknowledging such delivery. The manifest shall also be signed by the special waste hauler, such signature acknowledging receipt of the special waste. The person who delivers special waste to a special waste hauler shall send one copy of the manifest signed by the deliverer and the special waste hauler to the Agency within two working days and shall retain one copy as a record. The remaining four copies of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste hauler, such signature acknowledging acceptance of the special waste.

c) A permitted site which receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste hauler shall be conducted under a manifest initiated by the permitted disposal, storage or treatment site.

d) In all cases, the special waste hauler shall deliver three copies of the complete, signed manifest to the person who accepts delivery of special waste from the hauler. The special waste hauler shall retain one copy of the completed, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or such longer period of time approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste hauler shall submit a copy of each completed, signed manifest received during that period to the Agency, and shall send one copy of the completed manifest to the person who delivered the special waste to the special waste hauler.

e) Every person who delivers special waste to a special waste hauler, every person who accepts special waste from a special waste hauler and every special waste hauler shall retain a copy of the special waste manifest as a record of all special waste transactions. These copies shall be retained for three years and shall be made available at reasonable times for inspection and photocopying by the Agency.

## SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

### Section 809.601 Duration of Special Waste Hauler Permits and Tank Numbers

a) All permits and tank numbers issued hereunder shall be issued for a period not to exceed one year and are renewable.

b) Applications for renewal of a special waste hauler permit shall be made 90 days prior to the expiration date of the permit on the application forms prescribed in Section 809.202.

## SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

### Section 809.701 General Provision

In order to facilitate the clean-up, transportation or safe treatment, storage or disposal of any waste generated by an accidental release of any material or special waste within Illinois which constitutes a present or potential threat to health or to the environment, the Agency may give written exception from the procedural requirements of this Part and 35 Ill. Adm. Code 807 in accordance with guidelines adopted by the Agency which are consistent with Section 3003 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) and the Act and Board regulations. The existence of a written exception from this Agency under this Subpart shall not constitute a defense to a violation of the Act or of this Part except for those requirements specifically stated in the written exception.

## SUBPART H EFFECTIVE DATES

### Section 809.801 Compliance Date

Except as otherwise provided in this Subpart, any person subject to the provisions of this Part shall comply with such provisions on and after the effective date of this Part.

### Section 809.802 Exceptions

Every person subject to the provisions of Sections 809.201, 809.301, 809.302, 809.401, 809.402 and 809.501 shall comply with such rules 120 days after the effective date of this Part.

## SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

### Section 809.901 Definitions

For the purposes of this Subpart only: "Hazardous (infectious) Hospital Waste" means waste which has been generated by a hospital in connection with patient care that is contaminated with or may be contaminated with an infectious agent that has the potential of inducing an infection and which has not been rendered innocuous by sterilization or incineration. More specifically, "Hazardous (infectious) Hospital Waste" means:

a) medical and patient care items contaminated by, and human excreta produced by, persons who have been placed in strict or enteric isolation for the control and treatment of an infectious disease by the hospital's Infection Control Committee pursuant to the infection control policies and procedures required of it by Section D of Part IX of the Rules of the Illinois Department of Public Health, 5 Ill. Reg. 553 et seq. (1981), as from time to time amended, and

b) medical and patient care items that are contaminated by or have been in contact with, either the wound or skin of patients who have been placed in wound or skin isolation or strict isolation, or the mucous or other respiratory fluids of patients who have been placed in respiratory isolation or strict isolation by the hospital's Infection Control Committee pursuant to the infection control policies and procedures required of it by Section D of Part IX of the Rules of the Illinois Department of Public Health, 5 Ill. Reg. 553 et seq. (1981), as from time to time amended, and

c) medical and patient care items contaminated during surgery when the case is infectious, and

d) tissues (human or animal), pathological waste, and items that are contaminated by an infectious agent, and

e) bacteriological cultures and blood or other excreta that are products from bacteriological testing, and

f) any other waste which, because of its infectious nature, is ordered to receive special handling and disposal by the hospital's Infection Control Committee pursuant to the infection control policies and procedures required of it by Section D "Infectious Control" of Part IX of the Rules of the Ilinois Department of Public Health, 5 Ill. Reg. 553 et seq. (1981), as from time to time amended.

"Hospital" means any institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity. "Hospital" includes general and specialized hospitals, tuberculosis sanataria, mental or psychiatric hospitals and sanitaria, maternity homes, lying-in homes, and homes for unwed mothers in which care is given during delivery. "Hospital" does not include, for example, nursing homes, offices of human or animal health care providers, outpatient clinics, or veterinary hospitals.

"Incineration" means the complete reduction of a substance to ashes by means of combustion.

"Innocuous Hospital Waste" is not a special waste, but for the purposes of this Subpart means any hazardous hospital waste which has been properly sterilized or incinerated so as to render it incapable of causing infection.

"Normal Hospital Waste" is not a special waste, but for the purposes of this Subpart includes, but is not limited to, garbage, refuse, such as packaging materials removed before a product reaches patient care areas; disposable medical and patient care items such as basins and water pitchers which have not come in contact with a patient in isolation; and facial tissue and other patient contact items which have not been generated by a patient in isolation.

"Sterilization" means the complete destruction of microorganisms by moist or dry heat or by bactericidal chemical compounds.

**Section 809.902 Disposal Methods**

a) No person shall cause or allow hazardous (infectious) hospital waste to be deposited in any landfill.

b) Hazardous (infectious) hospital waste shall be rendered innocuous pursuant to Sections 809.903 and 809.904, or may be disposed of, where lawful, by deposit into a municipal or private sewerage system.

c) Innocuous hospital waste and normal hospital waste may be disposed of by any lawful means, including incineration in any incinerator appropriate for such waste and for which the Agency has issued a permit, by deposit in any sanitary landfill or by deposit into a municpal or private sewerage system.

**Section 809.903 Rendering Innocuous by Sterilization**

Any hazardous (infectious) hospital waste may be rendered an innocuous hospital waste by:

a) Sterilization of the waste in an autoclave, provided that the unit is operated in accordance with the manufacturer's recommendations and the autoclave's effectiveness is verified at least weekly with a biological spore assay containing B. Stearothermophilus, or

b) Sterilization of the waste in a commercial ethylene oxide unit that provides controlled temperature and humidity conditions, provided that the unit is operated in accordance with the manufacturer's recommendations and the unit's effectiveness is verified during each use with a biological spore assay containing B. subtilis.

**Section 809.904 Rendering Innocuous by Incineration**

a) Any hazardous (infectious) hospital waste may be rendered an innocuous hospital waste by incineration provided that:

1) The combustion apparatus is an incinerator designed to destroy the type or class of waste introduced into it, and is operated according to the manufacturer's instructions, and

2) All permits required by 35 Ill. Adm. Code, Subtitle B (prior to codification, Chapter 2: Air Pollution) have been obtained from the Agency, and the conditions of those permits have been met.

b) The ash produced by the incineration of hazardous (infectious) hospital waste shall be disposed of as required by this Part and 35 Ill. Adm. Code 807 for disposal of any other incinerator ash.

**Section 809.905 Recordkeeping Requirements for Generators**

a) Generators of hazardous (infectious) hospital waste who render such waste into innocuous hospital waste shall keep and make reasonably available for Agency inspection:

1) Records of any required biological spore assay tests.

2) Records describing the approximate amount of waste sterilized or incinerated.

3) Records which demonstrate proper operation of the sterilization or incineration equipment (such as time and temperature maintenance for each load).

b) The requirements of Subsection (a) may be satisfied by maintenance of the records in the form required to be kept by any hospital licensing or accreditation body, provided that such records include information sufficient to comply with Subsection (a).

**Section 809.906 Defense to Enforcement Action**

Reasonable reliance on a waste generator's identification of waste as innocuous or normal hospital waste shall be a complete defense to an enforcement action against a person other than the waste generator for violation of Section 809.202(a).

**Appendix Old Rule Numbers Referenced**

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

| Chapter 9: Special Waste Hauling | 35 Ill. Adm. Code 809 |
|---|---|
| Rule 101 | Section 809.101 |
| Rule 102 | Section 809.102 |
| Rule 103 | Section 809.103 |
| Rule 201 | Section 809.201 |
| Rule 202 | Section 809.202 |
| Rule 203 | Section 809.203 |
| Rule 204 | Section 809.204 |
| Rule 205 | Section 809.205 |
| Rule 206 | Section 809.206 |
| Rule 207 | Section 809.207 |
| Rule 208 | Section 809.208 |
| Rule 209 | Section 809.209 |
| Rule 210 | Section 809.210 |
| Rule 211 | Section 809.211 |
| Rule 301 | Section 809.301 |
| Rule 302 | Section 809.302 |
| Rule 401 | Section 809.401 |
| Rule 402 | Section 809.402 |
| Rule 501 | Section 809.501 |
| Rule 601 | Section 809.601 |
| Rule 701 | Section 809.701 |
| Rule 801 | Section 809.801 |
| Rule 802 | Section 809.802 |
| Rule 901 | Section 809.901 |
| Rule 902 | Section 809.902 |
| Rule 903 | Section 809.903 |
| Rule 904 | Section 809.904 |
| Rule 905 | Section 809.905 |
| Rule 906 | Section 809.906 |