**Section 703.189 Additional Information Required to Assure Compliance with MACT Standards**

If the Agency determines, based on one or more of the factors listed in subsection (a) that compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone may not adequately protect human health and the environment, the Agency must require the additional information or assessments necessary to determine whether additional controls are necessary to ensure adequate protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health or the environment resulting from both direct and indirect exposure pathways. The Agency may also require a permittee or applicant to provide information necessary to determine whether such an assessment should be required.

a) The Agency must base the evaluation of whether compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone adequately protects human health and the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:

1) Particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;

2) The identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;

3) The identities and quantities of non-dioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing);

4) The identities and quantities of other off-site sources of pollutants in proximity of the facility that significantly influence interpretation of a facility-specific risk assessment;

5) The presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;

6) The volume and types of wastes, for example wastes containing highly toxic constituents;

7) Other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;

8) Adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and

9) Such other factors as may be appropriate.

b) This subsection (b) corresponds with 40 CFR 270.10(l)(b), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Derived from 40 CFR 270.10(l) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)