**Section 728.150 Prohibitions on Storage of Restricted Wastes**

a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.116 and 722.117 and 35 Ill. Adm. Code 724 and 725. (A generator that is in existence on the effective date of a regulation under this Part and that must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:

A) Each container is clearly marked with the following to identify:

i) The words "Hazardous Waste";

ii) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721; or use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers;

iii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with subpart E (Labeling) or subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111); and

iv) The date each period of accumulation begins.

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator must comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

4) A healthcare facility accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the healthcare facility complies with the applicable requirements in 35 Ill. Adm. Code 726.602 and 726.603.

5) A reverse distributor accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the reverse distributor complies with 35 Ill. Adm. Code 726.610.

b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension granted by USEPA under 40 CFR 268.5, an approved Section 728.106 petition or a national capacity variance granted by USEPA under subpart C of 40 CFR 268), the prohibition in subsection (a) does not apply during the period of such exemption.

e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142, and 728.143 or the adjusted treatment standards specified under Section 728.144, or, if treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of federal 40 CFR 761.65(b) (Storage for Disposal), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) do not apply to such PCB wastes prohibited under Section 728.132.

g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved under 35 Ill. Adm. Code 724.654.

(Source: Amended at 44 Ill. Reg. 15495, effective September 3, 2020)