**Section 720.133 Procedures for Determinations**

The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining whether a material is a solid waste, for determining that a hazardous secondary material is managed at a verified facility, for determining whether a particular enclosed flame combustion device is a boiler, or for evaluating an application for a non-waste determination.

a) The application must address the relevant criteria contained in Section 720.131, 720.132, or 720.134, as applicable.

b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the USEPA procedure for review of petitions. This statement maintains structural consistency with USEPA rules.

c) Changed Circumstances.

1) If a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.131, 720.132, or 720.134 upon which a solid waste, verified facility, or non-waste determination has been based, the applicant must submit a description of the change in circumstances to the Board as a petition for adjusted standard that requests modifying the previously granted solid waste, boiler, or non-waste determination under which the petitioner operates or, in the alternative, a Board order that no such modification is necessary.

2) The Board will do the following:

A) determine, based on the record, whether the hazardous secondary material continues to meet the relevant criteria that justify exclusion from definition as solid waste; and

B) issue an appropriate order granting or denying the petition.

d) A solid waste, verified facility, boiler, or non-waste determination is effective for a fixed term not to exceed 10 years, except as provided in this subsection (d). No later than six months prior to the end of this term, facilities must re-apply for a solid waste, verified facility, boiler, or non-waste determination. If a facility owner or operator re-applies for a solid waste, verified facility, boiler, or non-waste determination no later than six months prior to expiration of a solid waste, verified facility, boiler, or non-waste determination, the facility may continue to operate under an expired solid waste, boiler, or non-waste determination until receiving a decision on the re-application from the Board.

e) A facility that receives a solid waste, boiler, or non-waste determination must provide notification, as required by Section 720.142.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)