**Section 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities**

The Agency must use the following procedures when determining whether to regulate hazardous waste recycling activities described in 35 Ill. Adm. Code 721.106(a)(2)(C) under the provisions of 35 Ill. Adm. Code 721.106(b) and (c) rather than under the provisions of Subpart F of 35 Ill. Adm. Code 726.

a) If a generator is accumulating the waste, the Agency must issue a notice stating the factual basis for the decision and stating that the person must comply with the applicable requirements of Subparts A, C, D and E of 35 Ill. Adm. Code 722. The notice will become final within 30 days unless the person served requests a public hearing to challenge the decision. Upon receiving a request, the Agency must hold a public hearing. The Agency must provide notice of the hearing to the public and allow public participation at the hearing. The Agency must issue a final written memorandum of decision after the hearing stating whether complying with 35 Ill. Adm. Code 722 is required, and stating the reasons for the Agency's decision, including all findings of fact and conclusions of law. The memorandum of decision will constitute a final administrative action and may be appealed to the Board. The decision becomes effective 35 days after service of the decision unless the Agency specifies a later date or unless an appeal has been filed with the Board. The decision may be appealed to the Board by any person who participated in the hearing. Proceedings before the Board must be according to the rules in 35 Ill. Adm. Code 105.

b) If the person is accumulating the recyclable material as a storage facility, the notice must state that the person must obtain a permit in accordance with all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705. The owner or operator of the facility must apply for a permit within no less than 60 days and no more than six months after notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the Agency's decision, it may do so in its permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the Agency's determination. The question of whether the Agency's decision was proper will remain open for consideration during the public comment period discussed under Subparts D and E of 35 Ill. Adm. Code 705, and in any subsequent hearing.

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