**Section 726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action**

a) A generator's LLMW will automatically lose the storage and treatment conditional exemption if the generator fails to meet any of the conditions specified in Section 726.330. When a generator's LLMW loses the exemption, the generator must immediately manage that waste which failed the condition as RCRA hazardous waste, and the storage unit storing the LLMW immediately becomes subject to RCRA hazardous waste container or tank storage requirements.

1) If a generator fails to meet any of the conditions specified in Section 726.330, the generator must report to the Agency, the Illinois DNS, and the NRC in writing by certified delivery within 30 days after learning of the failure. The generator's report must be signed by the generator's authorized representative certifying that the information provided is true, accurate, and complete. This report must include the following:

A) The specific conditions that the generator failed to meet;

B) A description of the LLMW (including the waste name, hazardous waste codes and quantity) and storage location at the facility; and

C) The dates on which the generator failed to meet the conditions.

2) If the failure to meet any of the conditions may endanger human health or the environment, the generator must also immediately notify the Agency orally within 24 hours and follow up with a written notification within five days. A failure that may endanger human health or the environment may include, but is not limited to, discharge of a CERCLA reportable quantity or other leaking or exploding tanks or containers, or detection of radionuclides above background or hazardous constituents in the leachate collection system of a storage area. If the failure may endanger human health or the environment, the generator must follow the provisions of its emergency plan.

b) The Board may, by an order issued in an enforcement proceeding against the generator, terminate the generator's conditional exemption for its LLMW, or require the generator to meet additional conditions to claim a conditional exemption, for serious or repeated noncompliance with any requirements of this Subpart N.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)