



Does My Business Need . . .



Air



Land



Water

A Pollution Control Permit?



Introduction

This document was prepared in response to a recommendation by the Governor's Small Business Environmental Task Force. It is intended to provide a guide or roadmap to assist you in determining whether your business requires an Air, Land or Water Pollution Control Permit from the Illinois EPA.

Determining whether or not a permit is needed has been confusing and frustrating to many small businesses. This document explains how to make this determination. However, it does not provide a definitive answer for every person or source, since complex matters requiring interpretation and assistance can arise.

Certain key words are in bold type within this document. If you understand the meanings of these words, it will make asking questions and understanding the answers easier for you. A word printed in bold type is defined in the regulations. It has a special meaning to regulatory professionals.

Many small businesses do not need permits from the Illinois EPA but should reduce emissions and make modifications in their practices to reduce pollution. The Agency's Office of Small Business is ready to provide assistance in helping your business be environmentally responsible. You may contact a representative by calling toll-free 1-888-372-1996.

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Does My Business Need an

Air Pollution Control Permit?



State Construction Permits

Does My Business Need a Construction Permit?

For a new business or a new emission source, you can determine whether your business needs a construction permit by going through Steps 1 and 2. For an existing emission source, you will also need to look at Steps 3 and 4 below to determine whether your existing source has been modified so as to require a construction permit. For an existing emission source, you should be aware that even if you did not obtain a construction permit prior to the construction of your emission source, you may be required to obtain an operating permit. The Agency recommends that you determine whether you need an operating permit (see the Operating Permit Section on page 8) and apply for an operating permit regardless of whether you obtained a construction permit.

Step 1 -- Does my business have an emission source?

You should first ask whether your business has an emission source or air pollution control equipment as defined in the state air pollution control regulations. The definition of an emission source is very broad and includes almost any industrial or process equipment.

- **Emission source** - An emission source is defined as any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere. (See Appendix 1 for specified air contaminants.)
- **Air pollution control equipment:** - Air pollution control equipment is defined as any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

Three important considerations:

1. If your business *does* not have an emission source, you are not required to obtain an air pollution control construction permit.
2. If your business has air pollution control equipment, it has an emission source.
3. If your business does have an emission source, proceed to Step 2.

Step 2 -- Does my emission source fit within any of the exemptions from the state permit requirements?

The environmental regulations for air pollution contain a list of emission sources and associated air pollution control equipment for which you are not required to obtain a construction permit. Most of these are small emission sources, many of which are located at small businesses. A complete list of current exemptions from air permit requirement contained in the state air pollution control regulations can be found at www.ipcb.state.il.us under Title 35: Subtitle B, Chapter I, Section 201.146.

Two important considerations:

- If your emission source does not fit within one of the permit exemptions, you are required to obtain an air pollution control construction permit from the Bureau of Air prior to construction of the emission source.
- If your emission source does fit within one of more of the exemptions, you are not required to obtain a state air pollution control construction permit. If it is not clear whether an emission source qualifies for exemption or if a written determination is desired from the Agency, a letter of inquiry can be submitted.

You should be aware that even if you do not need a permit, there may be certification, control requirements or record keeping requirements with which you must comply. Any application for a new operating permit or for revision to an existing operating permit should contain information on all emission sources, regardless of whether or not they are exempted.

Also, Potential to Emit (PTE) calculations should be submitted for all emission sources, exempt or not. These are required to enable the permit analyst to properly determine the type of operating permit required. A request can be made for exemption of those emission sources thought to qualify.

Step 3 -- For an existing emission source, have you made any modifications that trigger the construction permit requirement?

- **Modification:** - A modification is defined as any physical change, or change in the method of operations, of an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted. Notwithstanding any other provisions of this definition, for purposes of permits issued pursuant to Subpart D, the Illinois Environmental Protection Agency (Agency) may specify conditions under which an emission source or air pollution control equipment may be operated without causing a modification as herein defined. Normal cyclical variations, before the date operating permits are required, shall not be considered modifications.

There is a significant amount of historical interpretation of this definition (35 Ill. Adm. Code §201.102). In some situations, the interpretation can be quite complex. However, under the air regulations, any physical change in an emission source that increases emissions will generally require a construction permit. A physical relocation of an emission source or unit without necessarily increasing emissions will also require a construction permit unless specifically excluded according to the portable emission unit regulations (35 Ill. Adm. Code §201.170).

You may wish to discuss these issues with someone from the Bureau of Air's Permit Section or obtain professional assistance or both in making this determination.

Step 4 -- If new equipment or modifications cause increased emissions that are at a major source level, are any other regulations triggered?

- **Major source:** - A major source is defined as any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons) belonging to a single major industrial grouping and is described in one of the following:

{Potential to emit (PTE) is defined as the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design after any required reduction by air pollution control devices. Note that this is calculated considering the maximum capacity of the equipment (use 8760 operating hours per year).}

- PTE 100 tons per year (TPY) or more of any air pollutant, i.e., particulate matter (PM-10), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), or volatile organic material (VOM), including volatile organic compounds (VOC).
- PTE 25 TPY or more of VOM in the metropolitan Chicago ozone nonattainment area.

- PTE 10 TPY or more of any one of the 188 Hazardous Air Pollutants (HAPs) listed pursuant to section 112(b) of the Clean Air Act, or
- PTE 25 TPY of any combination of HAPs, the Prevention of Significant Deterioration of air quality (PSD) and New Source Review (NSR) requirements also state that the owner or operator of all subject sources complete an air quality analysis of ambient air quality in the source's area.

The PSD and NSR requirements also state that the owner or operator of all subject sources must complete an air quality analysis of ambient air quality in the source's area. The PTE of your business and the area of the state in which your business is located determine whether NSR or PSD requirements apply.

If the emissions exceed the major source level, then the piece of equipment or modification may need to comply with federal regulations for the PSD and 35 Ill. Adm. Code 203, New Source Review (NSR). Under the PSD requirements, the owner or operator of all subject sources are required to apply the best available control technology (BACT) for each pollutant for which the source emits a large enough amount to classify the source as a major source for that pollutant, while under NSR requirements, the owner or operator is required to apply the lowest achievable emission rate (LAER).

If your emissions are close to or at a major source level, then consultation with a permit analyst is recommended before construction to determine applicability of these rules.

State Operating Permit

Does My Business Need an Operating Permit?

Determining whether your business needs an air pollution control operating permit is nearly identical to determining whether your business needs a construction permit. However, you should pay special attention to the explanation of the federal Clean Air Act Permit Program (CAAPP) requirements below, since they do not always follow the same steps. There are also different kinds of operating permits of which you need to be aware.

1. Will you need an air pollution operating permit for your emission source?

- If your emission source or air pollution control equipment does not need an air construction permit (as determined from Steps 1 and 2 of the earlier section of this document), it does not need an operating permit. (But see Note below.)
- If your emission source or air pollution control equipment requires a construction permit, it will also need an operating permit. Some qualifying portable emission units do not require construction permits when moving to a new location, but still require an operating permit with other special requirements. For more information on how an emission unit can qualify under the portable emission unit regulations refer to 35 Ill. Adm. Code § 201.170 which can be found under Subtitle B: Air Pollution at <http://www.ipcb.state.il.us/SLR/PCBandIEPAEnvironmentalRegulations-Title35.asp>.

Note: In a limited number of circumstances, the requirement for a CAAPP permit may still apply even if your emission source fits within one of the exemptions. For example, certain businesses subject to the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) are exempt from the state operating permit requirements (e.g., certain dry cleaners); however, they may emit a level of hazardous air pollutant (HAP) emissions, which triggers a CAAPP permit requirement (See Appendix 1). Similarly, certain engines exempt from the state operating permit requirement may emit enough nitrogen oxides to trigger the CAAPP permit requirement.

2. What Type of Operating Permit Is Required?

If you have determined that you need an operating permit for your business, you will want to know the type of operating permit you need. This will determine the application requirements you must meet, the application forms you should use, and the permit you will receive. The Bureau of Air's Permit Section, at (217) 782-2113, will help you if you need assistance.

A brief description of the different kinds of operating permits follows below. As with the previous steps, determining what kind of permit you need to obtain may require interpretation for which you may want to obtain assistance from the Bureau of Air. You may also wish to obtain assistance from an environmental professional of your choice.

Lifetime State Operating Permit:

If the PTE for each of the criteria pollutants (NO_x, CO, BOM, SO₂, and PM₁₀) and for single HAP and combined HAPs is below major source limits, a facility may qualify to receive what is termed as a LIFETIME (state) operating permit. This lifetime permit does not require renewal or reapplication unless requested by the Agency. After July 1, 1998, lifetime permits will be issued for all new sources not subject to CAAPP and Federally Enforceable State Operating Permit (FESOP) permitting requirements (see below) except for special circumstances.

Clean Air Act Permit Program:

The CAAPP permit requirement applies to any source that meets one of the criteria below:

- Any major source;
- Sources subject to requirements under New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS), if specifically required by U.S. EPA; or
- Coal-fired electric utilities subject to acid-rain control requirements.

The CAAPP permit is the most comprehensive type of operating permits. The CAAPP program was mandated by the federal Clean Air Act and is contained in Section 39.5 of the Illinois Environmental Protection Act. It generally covers larger or more significant emission sources from an air pollution perspective.

For sources that previously had a regular state operating permit, the CAAPP permit, once issued, will replace the earlier operating permit. In addition, once a complete CAAPP application has been submitted to the Agency and deemed complete, it is not necessary to renew or revise the regular state operating permit as long as no change has been made at the source that meets the definition of modification on page 7. However, the provisions of the state operating permit remain in effect until the Agency acts on the CAAPP application.

The CAAPP application process is detailed and complex and typically requires professional assistance. A packet of information, including application forms, is available from the Bureau of Air's Permit Section or on the Agency website www.epa.state.il.us. The requirements of a CAAPP permit are more extensive than the existing state operating permit program in a number of areas. Public notice and an opportunity for hearing are required. In addition, there is an opportunity for review of proposed permits by U.S. EPA, the public, and affected states. U.S. EPA also has the ability to object to, terminate and reissue permits.

The Bureau of Air's Permit Section sends letters and packets to businesses that it believes may need a CAAPP permit (including those who could avoid the requirement by obtaining a Federal Enforceable State Operating Permit (FESOP)). However, because the Bureau does not necessarily have information (or enough information) about all of these businesses, you may need a CAAPP permit even though you did not receive a letter from the Bureau. You are responsible for obtaining the permit whether or not you received the letter. In order to make a definitive interpretation for your business, you may wish to contact the Bureau of Air's Permit Section or obtain professional assistance, or both.

(See the Clean Air Act Permit Program, Section 39.5 (415 ILCS 5/39.5) May 1, 1994)

The owner or operator of a new CAAPP source must submit a complete CAAPP application within 12 months after commencing operation. A construction permit must be obtained prior to construction. The owner or operator of an existing source that becomes subject to CAAPP requirements solely due to a change in operation must submit a complete CAAPP application at least 180 days before the change in operation.

Federally Enforceable State Operating Permit:

A FESOP permit is available in lieu of the CAAPP permit and is available on a voluntary basis for those who wish to avoid the CAAPP permit requirement. Not all persons who are subject to the CAAPP can obtain a FESOP in lieu of the CAAPP. Generally, a FESOP is only available for a source that can limit its emissions in a federally enforceable way so as to keep them below the applicability provisions of the CAAPP program. Like the CAAPP permit, it involves public notice, federal review and other requirements. However, it typically is less costly to apply for a FESOP.

What is a FESOP?

A FESOP is an operating permit that has undergone public notice and contains conditions that can be enforced by USEPA. These conditions can contain limits on the operations of the plant, i.e., material used, hours of operation, and associated record keeping requirements, which effectively restrict the potential to emit (see related) of a source below major source levels thereby excluding the source from the CAAPP requirement.

What is the purpose or value of a FESOP?

A FESOP allows certain sources to restrict their operations in a manner to avoid the requirement to obtain a CAAPP permit. In almost every case, it will be more expensive to obtain and comply with a CAAPP permit.

What sources are eligible for a FESOP?

A source can apply for a FESOP if the potential to emit from the source triggers CAAPP requirements, but maximum actual emissions are below, or can be restricted to remain below, major source thresholds.

How does someone apply for a FESOP?

Application is strictly on a voluntary basis. The applicant must formally request an operating permit containing federally enforceable limits restricting the potential to emit below major source levels to avoid CAAPP. The complete application must propose a set of enforceable limitations on emissions, operations and production, which constrain plant emissions below major source level. The application must also include the following completed CAAPP forms with the other required information or necessary state forms: CAAPP200, CAAPP292, CAAPP 293, CAAPP296. These forms and other applicable forms can be found on the Illinois EPA website or call one of the contacts listed for assistance.

Are There Any Fees Associated with My Business Needing a Construction and/or Operating Permit?

Anyone applying for a construction permit must include a completed FORM 197-FEE estimating the fee, as well as a check or money order for that amount. (This form is available on the Agency website.) Those failing to do so will be notified, by letter, of these requirements before their application can be further processed. Anyone undertaking construction without first obtaining a permit is still subject to the appropriate construction fees.

What is the fee?

The fee is effective for those applications submitted on or after July 1, 2003, and is determined from the schedule listed in Appendix 2.

In addition to the fees associated with construction permit applications, an annual site fee is assessed and billed after an operating permit is issued. The amount of the annual site fee depends on the type of operating permit and its emission limits.

What about portable emission units?

- **Portable emission unit:** - A portable emission unit, is a unit mounted on a chassis with wheels or skids and is designed to be moveable. An example is a portable concrete batching plant defined at 35 Ill. Adm. Code 201.170.

Properly permitted portable emission units are not required to pay additional construction or operating site fees each time the unit is moved.

Special provisions for “avoided” permit fees

If an owner or operator of a site requiring an operating permit fails to remit fees in a timely manner, the facility will be assessed an initial site fee, which is twice the normal amount.

Special provisions if annual site operating fees are not paid

The Agency may revoke a permit for failure to pay the site fees.

For more information concerning your construction permit fee and your annual site fee, please refer to Appendix 2.

For Further Information

Contact the following:

Permit application forms and construction fee forms are available on line at the websites below or at these numbers as well; or you may write to the following addresses:

Illinois EPA
Bureau of Air, #11
1021 North Grand Ave. E
P. O. Box 19276
Springfield, IL 62794-9276
Air Permit Section: 217/782-2113
www.epa.state.il.us

Illinois Small Business Environmental Assistance Program
Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, IL 62701
DCEO Helpline: 800/252-3998
www.illinoisbiz.biz
Email: sbeap@illinoisbiz.biz

The CAAPP Hotline number is 217/785-5151. Special assistance is available for small businesses that need a CAAPP permit by calling the hotline number and identifying yourself as a small business requesting assistance.

Appendix 1

Specified Air Contaminant:

Any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

Air contaminants that meet this definition include the following:

- volatile organic material (VOM)
- carbon monoxide (CO)
- particulate matter (PM10)
- nitrogen oxides (NO_x)
- sulfur dioxides (SO₂)
- lead
- dioxins
- furans
- fluorides
- hydrogen chloride (as a gas only)
- hydrogen sulfide
- sulfuric acid mist
- sulfur compounds

In addition, it includes most of the 188 hazardous air pollutants regulated under and listed in Section 112(b) of the Clean Air Act Amendments of 1990.

Note: Because of the number of contaminants meeting this definition of “special air contaminant,” you are very likely to be an emission source if you have emissions.

Hazardous Air Pollutants

To obtain a current list of Hazardous Air Pollutants, refer to <http://www.epa.gov/ttn/atw/atwsmod.html>.

Definitions:

The definitions listed in this section are taken from “Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, State of Illinois Rules and Regulations,” Section 201.102.

Appendix 2

Permit and Site Fees

Construction Permit Fees

Major Source Fee Schedule

Base Fees	Amount
First emission unit	New \$4,000 Modified \$2,000
Each additional new or modified emission unit	
• If any unit is new, the maximum total fee for any combination of new and/or modified units is \$10,000	\$1,000 each
• If only modified units are involved, the maximum fee is \$5,000	
Supplemental Fees	
New major source (“entry fee”)	\$5,000
New source or emission unit subject to local siting review (i.e., a new landfill), a commercial incinerator or other municipal waste, hazardous waste, or waste tire incinerator, a commercial power generator, or one or more other emission units designated as a complex source by Agency rulemaking.	\$25,000
Netting for a pollutant, i.e., reliance on contemporaneous emission decrease(s)	\$3,000
New major source subject to Prevention of Significant Deterioration (PSD)	\$12,000
Major modification subject to PSD	\$6,000
New major source subject to nonattainment New Source Review (NSR)	\$20,000
Major modification subject to nonattainment NSR	\$12,000
Determination of Clean Unit Status if the project is not subject to Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER)	\$5,000 (per unit)
Determination of Maximum Achievable Control Technology for a pollutant, if the project is not subject to BACT or LAER for the related PSD or nonattainment NSR pollutant (e.g., volatile organic material or hazardous air pollutants)	\$5,000 (per unit)
Public Hearing Fee	\$10,000

Applications Subject Only To A Filing Fee

If an application only involves the following activities, only a filing fee applies

- Addition or replacement of control devices on permitted units
 - Pilot projects/trial burns by a permitted unit Land remediation projects
 - Applications only involving insignificant activities
 - Revisions related to methodology or timing for emission testing
 - Administrative-type modifications to a permit
- \$500

Non-Major Source Fee Schedule**Base Fees**

Small project - No more than one new emission unit **or** no more than two modified emission units
or no more than one new emission unit and one modified emission unit

\$500

Other project - More than one new emission unit or more than two modified units

\$1,000

Supplemental Fees

New State source (entry fee)

\$500

New source or emission unit subject to local siting review (i.e., a new landfill), a commercial incinerator or other municipal waste, hazardous waste, or waste tire incinerator, a commercial power generator, or one or more other emission units designated as a complex source by Agency rulemaking.

\$15,000

Transition from Major Source to Non-Major Source

\$4,000

Public Hearing Fee

\$10,000

Types of Applications Subject Only To A Filing Fee

If an application only involves the following, only a filing fee applies

- Addition or replacement of control devices on permitted units
 - Pilot projects/trial burns by a permitted unit
 - Land remediation projects
 - Applications only involving insignificant activities
 - Revisions related to methodology or timing for emission testing
 - Administrative-type modifications to a permit
- \$500

Non-Title V Operating Permit Fees

The site fees are based on the amount of emissions of any combination of regulated air pollutants as indicated below:

Allowable Emissions/Year	New Fee (as of July 1, 2003)	< 25 tons	\$200
25 tons to <100 tons	\$1,800		
100 tons or more	\$3,500		

Clean Air Title V Fees

The site fees are based on the amount of emissions of any combination of regulated air pollutants as indicated below:

Allowable Emissions/Year	New Fee (as of July 1, 2003)
< 100 tons	\$1,800
100 tons to <13,888 tons	\$18.00/ton
> 13,888 tons	\$250,000

Who do I contact with fee questions?

Additional information or assistance is available by contacting the IEPA at 217-782-2113 or by visiting the Agency website at:

<http://www.epa.state.il.us/fees/>

Does My Business Need a

Land Pollution Control Permit?



1. Does my business require a permit from the Bureau of Land?

A permit from the Bureau of Land is generally required to manage waste. If you do not treat, store or dispose of some kind of waste, you will not need a land permit.

The need for a permit is dependent upon the type of waste, what you do with a waste and location of the activities.

The type of land permit that you need will be determined by the kind of waste that you manage and how you manage it.

There are a variety of waste activities that are regulated to control contamination by wastes. Because some regulated activities require a permit, you need to understand what these activities are to determine if your business needs a land permit. If your company or business activities make waste, you are a waste generator. The regulations explain how you must handle the waste while it is on your property. Waste generation is a regulated activity but does not need a permit unless you conduct one of the activities described below. These are the activities that may trigger the need for a permit:

- **Waste storage:** - If you store waste on your property, you must comply with all the storage requirements in the regulations. Several different sets of regulations may apply to this activity depending on who generates the waste, the classification of the waste and how long the waste is stored at your facility.
- **Waste treatment:** - Any activity that changes the waste is regulated as waste treatment. Treatment includes, among other things, mixing the waste with other wastes or materials, burning, grinding or separating the waste.
- **Waste transportation** - is also regulated. If you transport the waste on a public road, you must comply with transporter rules.
- **Waste disposal** - is the most highly regulated waste management activity. Disposal includes, among other things, dumping waste on the ground, storing it in piles on the ground, in a landfill, or in lagoons and storing waste indefinitely, even when it is held in tanks, buildings or containers.

If you conduct one of these activities, please continuing reading to determine if your activities require a permit.

2. What is waste?

Waste is anything that is being discarded or can no longer be used for its original purpose. Something may be a waste if it no longer has a dollar value or if it is used carelessly, spilled, burned, buried or poured down the drain. All waste is referred to as solid waste. In fact, in the regulations, solid waste and waste mean the same thing. The term solid waste as used in the regulations can be misleading in another way because it includes not only solid materials but also liquids and gasses. The term “solid waste” is meant to distinguish these wastes from the wastes that are put into the sewage system through your plumbing. If you want to re-use something, it may not be a waste. The Agency’s Industrial Material Exchange Section would be happy to assist you in finding someone to re-use materials for which you no longer have a use. They can be contacted at 217/782-0450.

3. What is waste management?

Managing a waste refers to any kind of waste storage, treatment or disposal activity. You will hear the term “manage” used with great frequency in the land regulations and in almost any discussion of waste. Examples of waste management include burning a waste, burying a waste or storing a byproduct or sludge.

Waste management is regulated in many different ways, including the requirement to obtain a permit. However, you should be aware that many other requirements may apply. These other requirements include regulation of waste transportation, design and operating requirements for waste treatment, storage, disposal and reporting requirements on waste generation.

4. What type of waste do I manage?

Wastes are grouped into different categories by the regulations. You must determine which categories of waste you are managing to determine the kind of permit you will need.

Solid waste is divided into two categories: nonspecial waste and special waste.

- **Nonspecial Waste:** - Nonspecial wastes are generally not as harmful to people or the environment, so they are not regulated as special waste. Nonspecial wastes include garbage and commercial waste. These types of wastes are generally associated with offices, homes and restaurants, but also include clean packaging, landscape waste, clean machinery components and construction or demolition debris.
- **Special Waste:** - Special waste includes potentially infectious medical waste (PIMW), industrial process waste, pollution control waste and hazardous waste. Because the mismanagement of these wastes may cause serious health or environmental problems, special waste may be regulated under one or more sets of regulations in addition to the regulations for nonspecial waste. Special permitting requirements may also apply.
 - ❖ **PIMW** - includes most medical waste generated by health care professionals or medical research that may be infectious to humans. It does not include medical waste generated at your home. PIMW transporters must have a permit and each load must be accompanied by a PIMW manifest. Fees are associated with three activities. Generally, the PIMW disposal service takes care of this.
 - ❖ **Industrial process waste** - includes waste generated by industry or commercial services such as gas stations or painting contractors. Industrial process waste does not include clean packaging materials, office or food waste. Generally, there are state (and sometimes local) fees charged at the landfill when these wastes are disposed.
 - ❖ **Pollution control waste** - is generated by the treatment or cleanup of other wastes. Treatment residues from wastewater treatment, air scrubbing and spill cleanups are all pollution control waste.
 - ❖ **Hazardous waste** - is the most highly regulated category of waste. Some wastes are hazardous because of their ignitable, corrosive, reactive or toxic properties. These are called characteristically hazardous wastes. In other instances, U.S.EPA has decided that the waste produced by certain industrial activities will always be a hazardous waste. These are called listed hazardous wastes. There are a series of state fees collected for generating and/or handling hazardous waste. Only large quantity generators (over 2200 lbs/month) must pay a fee for generating waste.

5. What if I accept waste from someone else?

If you accept any waste from someone else for treatment, transfer, storage or disposal, including a facility of your own located at a different address, you must get a permit from the Bureau of Land.

The type of permit that you must obtain depends upon the kinds of waste that you accept from someone else. Even if you do not accept waste from someone else, a permit may be required for certain hazardous waste management activities.

6. What type of permit do I need?

Solid waste permits - are required for the nonspecial waste storage, treatment and disposal facilities that accept waste from someone or somewhere else.

Special waste permits - are required for facilities that receive or store, treat or dispose of nonhazardous special waste and for hazardous RCRA exempt waste storage or treatment facilities. (RCRA is the acronym for the federal Resource Conservation and Recovery Act).

7. What is the permitting process?

The same system is used for permitting both solid and special waste management units.

- Development permits are required to construct new units;
- Operating permits are then required before receiving waste at a new unit; and
- Supplemental permits are required to modify an existing permitted activity.

Usually, a development permit is issued prior to construction. An operating permit is issued for operation of the business if the new unit was properly constructed. In some cases, the development and operating permits are issued jointly.

A permit for most categories of nonhazardous waste may be obtained through a single permit application. There are separate permitting regulations for medical waste, landscape waste and landfills, and separate applications must be made for each of these categories.

Hazardous waste permits - are required for hazardous waste storage, treatment or disposal facilities. A new hazardous waste management facility must obtain a Part B RCRA Permit prior to construction or to receiving waste. This is a single permit for the facility. Unlike the permits for nonhazardous waste, separate development and operating permits are not required. Annual permit and inspection fees are assessed by the state for managing hazardous waste.

The requirements for used oil are separate from other types of waste.

Used oil – means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

Permits are not required for used oil activities but you must follow the design and operating requirements in the use oil regulations. Facilities that receive used oil from off-site must register with the Illinois EPA.

8. How do I determine if I need a hazardous waste management permit?

To establish whether or not you need a hazardous waste management permit, you must determine:

- The type of waste (The time limits for unpermitted storage may vary by hazardous waste type);
- The amount of hazardous waste you generate per calendar month (There are time limits on the storage of hazardous waste generated onsite based upon these amounts); and
- The process that generated the waste (Some processes produce listed hazardous waste even when analysis indicates the waste would not be very harmful).

There are many instances where hazardous waste management activities may be exempt from the permitting requirements. However, remember that even if you are exempt from the hazardous waste permit requirements, if you receive waste from someone else or from a different location, you must get a permit.

For further information or assistance in these determinations, you may contact the Bureau of Land Permit Section at 217/524-3300. They will be happy to assist you.

9. Are there any special requirements?

Before the IEPA can review your permit application, you must provide proof that you have complied with the local siting requirements. All new pollution control facilities must obtain siting approval from a specified unit of local government. The procedures for obtaining local siting approval and the operations which are exempt from these requirements are found in the Illinois Environmental Protection Act.

As indicated earlier, all facility operators that accept waste from another location must first get a permit.

10. Is a land permit needed for the transportation of wastes?

The Agency recommends that you always use a licensed special waste hauler to transport your waste. Some waste transportation operations must be licensed by the Agency. There are three types of permits issued to transport waste. The uniform permit is required to transport hazardous waste. The nonhazardous special waste hauler permit, or uniform permit, is required to transport all nonhazardous waste including used oil, but not potentially infectious medical waste (PIMW). A separate PIMW hauling permit is required to transport potentially infectious medical waste. Remember hazardous waste and potentially infectious medical waste are also subcategories of special waste.

- You must have a license to transport special waste unless you are a small quantity generator transporting your own waste from your own site to a permitted storage, treatment, or disposal facility.
- If you are not a small quantity generator, you must either obtain a special waste hauler license or have a licensed special waste hauler transport the waste for you. Remember that if the special waste is hazardous the transporter must have the uniform permit. If the waste is potentially infectious medical waste, a PIMW permit is required instead of the special waste hauler permit.
- You must also use a manifest as the shipping paper which accompanies your waste, unless you are a small quantity generator. These manifests must be purchased from the Illinois EPA. (Currently \$3 per manifest)
- No state permit is needed to transport nonspecial waste such as garbage.

You should be aware that the transportation of hazardous material is regulated by the Illinois Department of Transportation. You may contact them at 217/782-4974 for further information.

Supplement to #10

You can only haul your own waste without a special waste haulers license or without a manifest if you generate 100 kg. or less of special waste including hazardous waste and less than 1 kg. of acutely hazardous waste in a calendar month. You may also qualify for an exemption from manifesting if you generate between 100 kg. and 1000 kg. of hazardous waste in a calendar month and the waste is reclaimed under a contractual agreement. The exemption for small quantity generators hauling their own waste referred to in Question #10 of this document and the exemption from manifesting for small quantity generators referred to in Question #10 of this document are not applicable to a small quantity generator as defined in Appendix 1. The exemption is different for PIMW. PIMW operators who are not commercial haulers may transport PIMW without a permit if they transport less than 50 pounds at one time or they are transporting their own waste between two sites that they own.

11. In addition to the permit requirements, are there any other kinds of regulations of which I should be aware?

There is a hierarchy of wastes dependent upon their potential to harm people or the environment. Generators and receivers of the wastes must comply with all the regulations specific to their category plus those applicable to less dangerous wastes.

Nonspecial wastes are regulated under the solid waste rules found in 35 Ill. Adm. Code 807 through 815. Portions

of these regulations also pertain to all special waste.

Hazardous wastes are also regulated under the federal rules resulting from the Resource Conservation and Recovery Act. The RCRA rules have been made a part of the state's rules and can be found in 35 Ill. Adm. Code 700 through 739. The hazardous waste rules are very complicated and contain many specific inclusions, exclusions and exemptions. A guidance document on understanding the hazardous waste rules is available from the Bureau of Land at 217/782-6762. This guidance document includes a helpful discussion of how you can determine the classification of your waste.

12. Whom should I contact for further information?

If the previous information indicates that you may need a permit, you should contact the Bureau of Land's Permit Section at 217/524-3300. Different types of permits are issued by different units. To help you get to the appropriate person to answer your questions, we have identified the units that review each type of application or permit previously discussed.

Nonspecial Waste Storage, Transfer and Disposal:Solid Waste Unit

Treatment:Disposal Alternatives Unit

Nonhazardous Special Waste Disposal:Solid Waste Unit

Special Waste Storage, Treatment or Transfer:Disposal Alternatives Unit

Hazardous Waste Disposal and On-Site Storage:RCRA Unit

Off-Site Storage, Treatment and Transfer:Disposal Alternatives Unit

When calling, you should ask to speak to a permit reviewer in the Unit which you anticipate will be involved with your operation.

Questions about special waste hauler licenses and manifests should be directed to the Solid Waste Management Section at 217/785-8604.

Does My Business Need a

Water Pollution Control Permit?



National Pollutant Discharge Elimination System Permits

The National Pollutant Discharge Elimination System (NPDES) permit regulates wastewater. There are two types of wastewater discharge controlled by NPDES permits - process and storm water. An NPDES permit may be required at one business for either type of wastewater or for both. You should determine whether you need an NPDES permit either for process wastewater or for storm water. You are required to obtain these permits prior to any discharge. The requirements for each one are discussed separately in the Steps below.

Step 1: Does my business discharge a wastewater requiring an NPDES permit?

Wastewater: almost any discharge of water that is generated from any process industry, manufacturing, trade, or business. The definition also includes any solid, liquid or gaseous waste; and all other substances whose discharge would cause water pollution or a violation of the effluent or water quality standards of the State. Toilet and hand washing waste is also defined as a wastewater.

If your business does not have a wastewater discharge as described above, you are not required to obtain an NPDES permit.

If your business *does* have a wastewater discharge as described above, you should proceed to Step 2.

Step 2: Is a permit required if my business has ONLY toilet and hand washing wastewater?

If the only wastewater your business discharges is toilet and hand washing wastewater and the discharge of toilet and hand washing wastewater is less than 1500 gallons per day, you are not required to obtain an NPDES permit. However, the Illinois Department of Public Health does regulate these discharges.

If the discharge from your business of toilet and hand washing wastewater is greater than 1500 gallons per day, you are required to obtain an NPDES permit.

Step 3: Does my business have a storm water discharge that requires an NPDES permit?

You need to go through Steps 4 and 5 to determine whether your business needs an NPDES permit for its storm water discharge. You will usually need to know the Standard Industrial Classification (SIC) code for your business to do this.

Step 4: Does my business have a SIC code for which NPDES storm water permits are required?

Storm water may also be considered a wastewater depending on the type of business in which you are engaged. The Standard Industrial Classification (SIC) Code or type of operation your business is engaged in will determine whether or not the storm water that discharges from your property will be considered a wastewater. A listing of categories for which storm water permits may be required is contained in Appendix 1 found on page 29.

- If your business has a SIC Code that is listed in Appendix 1, then you are required to obtain an NPDES permit. An NPDES permit is required if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industry machinery are exposed to storm water. If you do not have these objects at your business exposed to storm water you are not required to obtain an NPDES permit, but you must submit a No Exposure certification form. This form, as well as other Water Forms, may be downloaded from the Illinois EPA website <http://www.epa.state.il.us/>.

- If your business has a SIC Code or operation that is not listed in Appendix 1, then you are not required to obtain an NPDES storm water permit, unless you are violating water quality standards of the State.

Step 5: If my business has wastewater, does my business discharge it to the surface of the earth or to water on the surface of the earth?

This provision is very broad so that you can assume that any discharge that goes to surface water or the ground on your property, or that leaves your property, is included. However, wastewater that is applied to agricultural land for crop or soil benefit is not regulated by the NPDES program. The permits required for this type of activity are discussed later in this document.

Important Additional Information Concerning NPDES Permits

- You should be aware that a general NPDES storm water permit is available from the Bureau of Water's Permit Section if you meet the criteria described in the general permit. A general permit is a standardized permit with pre-determined conditions for similar discharges. You can review a general permit and decide ahead of time whether to apply for it rather than for an individualized permit. A one-page application is available for most general storm water NPDES permits. The simplified permit is usually issued within 2 weeks of receipt of the application.
- An NPDES permit issued by the Bureau of Water has a maximum life of 5 years.
- If you are required to obtain an Individual NPDES permit from the Bureau of Water, you are required to make a timely application 180 days prior to a new discharge or expiration of the existing NPDES permit if you wish to renew the permit.

State Construction Permits

A water pollution control construction permit is required by state law for businesses with the potential to cause water pollution. This construction permit is required prior to constructing or modifying a facility. You can determine whether you need to obtain a construction permit by going through Steps 1 and 2 below.

Step 1: Will there be construction at my facility?

State construction permits are required if your business is constructing or modifying anything within one of the four categories listed below.

Construction is defined as the commencement of on-site fabrication, erection, or installation. The definition of modification is rather long and can be found in Appendix 2 on page 29. You should look carefully at this definition because it includes such things as an increase in the amount of wastewater discharge even if the increase is not due to any other physical change in the facility.

If you are planning on constructing or modifying at your business, you should determine whether what you intend to construct or modify falls within one of the four categories listed below.

- If what you intend to construct or modify falls within one of the four categories listed below, you are required to obtain a construction permit from the Bureau of Water prior to the construction or modification.
- If what you intend to construct or modify does not fall within one of the four categories listed below, you are not required to obtain a construction permit from the Bureau of Water.

Category 1: TREATMENT WORKS

A treatment works is a device used for collecting, pumping, treating, or disposing of wastewaters, or for the recovery of byproducts from such wastewater.

A treatment works usually discharges wastewater to the surface of the earth or to water on the surface of the earth. However, a treatment works may also recycle wastewater for other uses and not have a discharge.

Category 2: PRETREATMENT WORKS

A pretreatment works is a device used for collecting, pumping treating or disposing of wastewater, or for the recovery of byproducts from such wastewater, before the wastewater is discharged into a publicly owned sanitary sewer system. The sanitary sewer system conveys the wastewater to a publicly owned treatment plant for further treatment.

In addition to the exemption listed in Question 2 of this section, pretreatment works have an additional exemption which is fairly complicated and may require interpretation. This additional exemption is listed in Appendix 3. If you need assistance interpreting or understanding this exemption, you can obtain assistance from the Bureau of Water's Permit Section at 217/782-0610 or you may obtain assistance from an environmental professional of your choice.

Category 3: WASTEWATER SOURCE

Wastewater source is any discharge of wastewater, usually to a publicly-owned sanitary sewer system. Wastewater discharges to agricultural land for crop or soil benefit are also considered wastewater sources. Some examples of wastewater sources would be:

1. A new business in an existing building with existing sewers that connect to a publicly-owned sanitary sewer. Your new business will be generating a wastewater which you will discharge through the existing sewer. This discharge would be considered a wastewater source.
2. Land application and/or spray irrigation of wastewater (including wastewater sludges) to agricultural lands.

Category 4: SEWER

A sewer is defined as a stationary means of transport intended to transport wastewater from your business to a publicly-owned sanitary sewer system.

The portion of the sewer which requires a construction permit is that portion which runs from the boundary of your building to the point of connection to the publicly-owned sanitary sewer system.

Step 2: Do you fall under the exemption for treatment works, pretreatment works, sewers, and wastewater sources?

This exemption can apply *only* to businesses that generate toilet and hand washing waste.

If you generate any wastewater that is not toilet and hand washing waste, this exemption does not apply to your business, and you must obtain a permit.

The exemption is as follows:

Construction permits are not required for any treatment works, pretreatment works, sewer or wastewater source designed and intended to serve a single building and eventually treat or discharge less than 1500 gallons per day of strictly toilet and hand washing waste (otherwise known as domestic waste).

If you fit under this exemption, then you are not required to obtain a state construction permit from the Bureau of Water.

State Operating Water Permits

State operating permits are required for the use or operation of most treatment works, pretreatment works, sewers or wastewater sources for which a construction permit is required. You should go through the two questions below to determine whether you need a state operating permit from the Bureau of Water.

Step 1: Does my business need a state operating permit?

In the section called State Construction Permits, you determined if your business required a state construction permit.

If you were required to obtain a state construction permit (other than for a sewer), you will be required to obtain a state operating permit, unless you fit under the exemptions listed in Question 2 below. Operating permits for sewers are generally issued with the construction permit.

If you have existing treatment works, pretreatment works, or wastewater sources, you are required to have a state operating permit unless you fit under one of the exemptions listed in Question 2 below.

If you do not need a state construction permit for your business, you do not need a state operating permit for your business unless you intend to use land application and/or spray irrigation of wastewater (including wastewater sludges) on agricultural land.

Important Additional Information

- An operating permit issued by the Bureau of Water has a maximum life of 5 years.
- If you are required to obtain an operating permit from the Bureau of Water, you are required to renew that permit by its expiration date for continued operation of the permitted facility.
- If you meet the criteria for needing an operating permit, you are required to obtain the operating permit even if you did not obtain a construction permit.

Step 2: Is my business exempt from the requirement for a state operating permit?

A state operating permit is not required for the following even if a state construction permit was required.

- A treatment works whose discharge is covered by an NPDES permit; or
- A pretreatment works or wastewater source whose discharge to the publicly-owned treatment plant (usually owned by a municipality) has been authorized by a receiving publicly-owned treatment plant that has an approved pretreatment program.

You should identify the publicly-owned treatment plant to which the discharge from your business flows. Once this is done, you should contact the Bureau of Water's Permit Section at 217/782-0610 to identify publicly-owned treatment plants that have approved pretreatment programs. This will tell you if the publicly-owned treatment plant to which your discharge flows has an approved pretreatment program.

If the wastewater discharge from your business flows to a publicly-owned treatment plant with an approved pretreatment program, then a state operating permit is not required.

If the wastewater discharge from your business does not flow to a publicly-owned treatment plant with an approved pretreatment program, then a state operating permit is required.*

* For certain pretreatment works or wastewater sources, there are some additional, somewhat technical, exemptions. The rule containing these exemptions is in Appendix 3 to this document. If you need assistance interpreting or understanding this exemption, you can obtain assistance from the Bureau of Water's Permit Section at 217/782-0610 or you may obtain assistance from an environmental professional of your choice.

Appendix 1

Industries Which Require an NPDES Permit for their Storm Water Discharge

Refer to e-mail address: <http://epa.state.il.us/water/permits/storm-water/industrial.html>

Appendix 2

Definition of Modification

- a. Any physical change in a treatment works or pretreatment works which involves different or additional processes or equipment or which increases or decreases the capacity or efficiency of the treatment works or pretreatment works; or
- b. change in the number or location of points where effluent is discharged; or
- c. Any change in any components of a sewer system which alters the quantity of wastewater capable of being conveyed; or
- d. Any increase in quantity or strength of a discharge from any wastewater source, unless such increase does not exceed an upper limit specifically allowed by an existing permit granted by the Agency and does not involve any additional contaminants.

(This is taken from the definition in water regulations. See 35 Ill. Adm. Code 301.315 for the complete definition.)

Appendix 3

Additional Permit Exemptions

Construction or operating permits are not required for those pretreatment works, and operating permits are not required for wastewater sources, discharging to a sewer tributary to a publicly owned treatment plant which will not:

1. Discharge toxic pollutants, as defined in Section 502(13) of the CWA, or pollutants which may interfere with the treatment process into the receiving treatment plant or be subject to regulations promulgated under Section 307 of the CWA; or
2. Discharge 15 percent or more of the total hydraulic flow received by the treatment plant; or
3. Discharge 15 percent or more of the total biological loading received by the treatment plant as measured by the 5-day biochemical oxygen demand.

(This is taken from the definition in water regulations. See 35 Ill. Adm. Code 309.202(c) and 309.204(d) for the complete definition.)

Additional Assistance

You may obtain additional copies of this document, by contacting Illinois Department of Commerce and Economic Opportunity (DCEO) Small Business Environmental Assistance Program or the Office of Small Business at the Illinois EPA or by contacting the appropriate permit section:

DCEO Small Business Environmental Assistance Program800/252-3998

Illinois EPA Office of Small Business888/372-1996

Illinois EPA Bureau of Air Permit Section217/782-2113

Illinois EPA Bureau of Land Permit Section217/524-3300

Illinois EPA Bureau of Water Permit Section217/782-0610

You may also obtain information or assistance from these sections by calling the above numbers.

Last modified May 2008.

Notes

Printed by the authority
State of Illinois
May 08 2,000 34204
IISG 08-977

