**Section 724.653 Temporary Units**

a) For temporary tanks and container storage areas used to treat or store hazardous remediation wastes during remedial activities required pursuant to Section 724.201 or RCRA section 3008(h), or at a permitted facility that is not subject to Section 724.201, the Agency may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated. For temporary units, the Agency may replace the design, operating, or closure standards applicable to these units pursuant to this Part 724 or 35 Ill. Adm. Code 725 with alternative requirements that adequately protect human health and the environment.

b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) must be as follows:

1) Located within the facility boundary; and

2) Used only for treatment or storage of remediation wastes.

c) In establishing alternative requirements to be applied to a temporary unit, the Agency must consider the following factors:

1) The length of time such unit will be in operation;

2) The type of unit;

3) The volumes of wastes to be managed;

4) The physical and chemical characteristics of the wastes to be managed in the unit;

5) The potential for releases from the unit;

6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and

7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.

d) The Agency must specify in the permit the length of time a temporary unit will be allowed to operate, which must be no longer than one year. The Agency must also specify the design, operating, and closure requirements for the unit.

e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines the following:

1) That continued operation of the unit will not pose a threat to human health and the environment; and

2) That continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit must be as follows:

1) Approved in accordance with the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273; or

2) Requested by the owner or operator as a Class 2 modification according to the procedures pursuant to 35 Ill. Adm. Code 703.283.

g) The Agency must document the rationale for designating a temporary unit and for granting time extensions for temporary units and must make such documentation available to the public.

BOARD NOTE: USEPA promulgated 40 CFR 264.553, from which this Section was derived, pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until USEPA authorizes this Illinois provision, an owner or operator must seek TU authorization from USEPA Region 5, as well as authorization from the Agency pursuant to this Section.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)