**Section 728.103 Dilution Prohibited as a Substitute for Treatment**

a) Except as provided in subsection (b), no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D, to circumvent the effective date of a prohibition in Subpart C, to otherwise avoid a prohibition in Subpart C, or to circumvent a land disposal restriction imposed by RCRA section 3004 (42 USC 6924).

b) Dilution of waste that is hazardous only because it exhibits a characteristic of hazardous waste in a treatment system that treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, or that treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution for purposes of this Section, unless a method other than DEACT has been specified in Section 728.140 as the treatment standard or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

c) Combustion of waste designated by any of the USEPA hazardous waste numbers listed in Appendix J is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):

1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;

2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;

3) The waste has reasonable heating value, such as greater than or equal to 5,000 Btu per pound, at the point of generation;

4) The waste is co-generated with wastes for which combustion is a required method of treatment;

5) The waste is subject to any federal or state requirements necessitating reduction of organics (including biological agents); or

6) The waste contains greater than one percent Total Organic Carbon (TOC).

d) It is a form of impermissible dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)