**Section 728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes**

a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers D004 through D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 35 Ill. Adm. Code 721.

b) The following waste is prohibited from land disposal: slag from secondary lead smelting that exhibits the characteristic of toxicity due to the presence of one or more metals.

c) The following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

d) This subsection (d) corresponds with 40 CFR 269.34(d), which expired by its own terms on May 26, 2000. This statement maintains structural consistency with the corresponding federal regulations.

e) The requirements of subsections (a) and (b) do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or

4) USEPA has granted an extension to the effective date of a prohibition pursuant to federal 40 CFR 268.5, with respect to those wastes covered by the extension.

f) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable universal treatment standard levels of Section 728.148 and Table U, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

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