

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 722
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
722.120	Amendment
722.121	Amendment
722.124	Amendment
722.Appendix A	Repealed
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 722 are a single segment of the docket R19-3 rulemaking that also affects 35 Ill. Adm. Code 720, 721, and 723 through 725. The R19-3 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2018: January 1, 2018 through June 30, 2018. To save space, a more detailed description of the subjects and issues involved in the docket R19-3 rulemaking appears in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of July 26, 2018, proposing amendments in docket R19-3, which opinion and order is available from the address below.

RECEIVED
CLERK'S OFFICE

AUG 17 2018

STATE OF ILLINOIS
Pollution Control Board

R19-3 further includes limited corrections and non-substantive stylistic revisions that the Board finds necessary. Some of these were included in the pending consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking, which appeared in the following issues of the *Illinois Register* as indicated in the answer to question 10 below.

Specifically, the amendments to Part 722 incorporate changes in the general hazardous waste manifest requirements. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-3. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-3.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
722.101	New Section	42 Ill. Reg. 10808; June 22, 2018
722.105	Renumber, Amendment	42 Ill. Reg. 10808; June 22, 2018
722.110	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.111	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.112	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.113	New Section	42 Ill. Reg. 10808; June 22, 2018
722.114	New Section	42 Ill. Reg. 10808; June 22, 2018
722.115	New Section	42 Ill. Reg. 10808; June 22, 2018
722.116	New Section	42 Ill. Reg. 10808; June 22, 2018
722.117	New Section	42 Ill. Reg. 10808; June 22, 2018
722.118	New Section	42 Ill. Reg. 10808; June 22, 2018
722.120	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.121	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.123	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.124	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.132	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.134	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.135	New Section	42 Ill. Reg. 10808; June 22, 2018
722.140	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.141	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.142	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.143	Amendment	42 Ill. Reg. 10808; June 22, 2018

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

722.144	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.150	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.151	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.152	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.153	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.154	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.155	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.156	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.157	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.158	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.160	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.180	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.181	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.182	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.183	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.184	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.185	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.186	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.187	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.189	Repealed	42 Ill. Reg. 10808; June 22, 2018
722.300	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.301	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.302	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.303	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.304	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.306	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.307	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.308	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.309	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.310	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.311	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.312	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.313	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.314	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.316	Amendment	42 Ill. Reg. 10808; June 22, 2018
722.330	New Section	42 Ill. Reg. 10808; June 22, 2018
722.331	New Section	42 Ill. Reg. 10808; June 22, 2018
722.332	New Section	42 Ill. Reg. 10808; June 22, 2018
722.333	New Section	42 Ill. Reg. 10808; June 22, 2018
722.350	New Section	42 Ill. Reg. 10808; June 22, 2018

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

722.351	New Section	42 Ill. Reg. 10808; June 22, 2018
722.352	New Section	42 Ill. Reg. 10808; June 22, 2018
722.353	New Section	42 Ill. Reg. 10808; June 22, 2018
722.354	New Section	42 Ill. Reg. 10808; June 22, 2018
722.355	New Section	42 Ill. Reg. 10808; June 22, 2018
722.356	New Section	42 Ill. Reg. 10808; June 22, 2018
722.360	New Section	42 Ill. Reg. 10808; June 22, 2018
722.361	New Section	42 Ill. Reg. 10808; June 22, 2018
722.362	New Section	42 Ill. Reg. 10808; June 22, 2018
722.363	New Section	42 Ill. Reg. 10808; June 22, 2018
722.364	New Section	42 Ill. Reg. 10808; June 22, 2018
722.365	New Section	42 Ill. Reg. 10808; June 22, 2018

- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R19-3 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R19-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924
email: michael.mccambridge@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: July 2018

The full text of the Proposed Amendments begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 722
7 STANDARDS APPLICABLE TO
8 GENERATORS OF HAZARDOUS WASTE
9

10 SUBPART A: GENERAL
11

12 Section

- 13 722.110 Purpose, Scope, and Applicability
14 722.111 Hazardous Waste Determination
15 722.112 USEPA Identification Numbers
16 722.113 Electronic Reporting
17

18 SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
19 SMALL AND LARGE QUANTITY GENERATORS
20

21 Section

- 22 722.120 General Requirements
23 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
24 722.122 Number of Copies
25 722.123 Use of the Manifest
26 722.124 Use of the Electronic Manifest
27 722.125 Electronic Manifest Signatures
28 722.127 Waste Minimization Certification
29

30 SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO
31 SMALL AND LARGE QUANTITY GENERATORS
32

33 Section

- 34 722.130 Packaging
35 722.131 Labeling
36 722.132 Marking
37 722.133 Placarding
38 722.134 Accumulation Time
39

40 SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
41 APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS
42

43 Section

44	722.140	Recordkeeping
45	722.141	Annual Reporting
46	722.142	Exception Reporting
47	722.143	Additional Reporting
48	722.144	Special Requirements for Generators of between 100 and 1,000 kilograms per month

49

50

51

SUBPART E: EXPORTS OF HAZARDOUS WASTE

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

SUBPART F: IMPORTS OF HAZARDOUS WASTE

722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section

722.170 Farmers

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section

722.180 Applicability

722.181 Definitions

722.182 General Conditions

722.183 Notification and Consent

722.184 Movement Document

722.185 Contracts

722.186 Provisions Relating to Recognized Traders

722.187 Reporting and Recordkeeping

722.189 OECD Waste Lists

86 SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE
 87 DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR
 88 LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES
 89

90 Section

91 722.300 Definitions

92 722.301 Applicability

93 722.302 Opting into the Subpart K Requirements

94 722.303 Notice of Election into the Subpart K Requirements

95 722.304 Notice of Withdrawal from the Subpart K Requirements

96 722.305 Summary of the Requirements of this Subpart K

97 722.306 Container Standards in the Laboratory

98 722.307 Personnel Training

99 722.308 Removing Unwanted Material from the Laboratory

100 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the
 101 Laboratory

102 722.310 Hazardous Waste Determination in the Laboratory

103 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area

104 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal
 105 Facility

106 722.313 Laboratory Clean-Outs

107 722.314 Laboratory Management Plan

108 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste

109 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

110

111 722.APPENDIX A Hazardous Waste Manifest (Repealed)

112

113 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 114 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

115

116 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 117 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
 118 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,
 119 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at
 120 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,
 121 effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987;
 122 amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12
 123 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective
 124 December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;
 125 amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at
 126 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective
 127 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in
 128 R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg.

129 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,
 130 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-
 131 10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-
 132 3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg.
 133 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20,
 134 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29
 135 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138,
 136 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective
 137 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008;
 138 amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-
 139 2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
 140 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24,
 141 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at
 142 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R19-2
 143 at 42 Ill. Reg. _____, effective _____.

144
 145 SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
 146 SMALL AND LARGE QUANTITY GENERATORS
 147

148 **Section 722.120 General Requirements**
 149

- 150 a) Manifest form required.
- 151
- 152 1) A generator that transports hazardous waste or offers a hazardous waste
 153 for transportation for off-site treatment, storage, or disposal or a treatment,
 154 storage, or disposal facility that offers for transport a rejected load of
 155 hazardous waste must prepare a manifest on USEPA Form 8700-22 (and,
 156 if necessary, on USEPA Form 8700-22A) according to the instructions
 157 included in the ~~appendix to 40 CFR 262~~ (Uniform Hazardous Waste
 158 Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their
 159 Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 160
- 161 2) This subsection (a)(2) corresponds with 40 CFR 262.20(a)(2), an
 162 applicability statement that became obsolete for the purposes of the
 163 Illinois rules on September 6, 2006. This statement maintains structural
 164 parity with the corresponding federal regulations.
 165
- 166 3) E-Manifest. In lieu of using the manifest form specified in subsection
 167 (a)(1) ~~of this Section~~, a person required to prepare a manifest under
 168 subsection (a)(1) ~~of this Section~~ may prepare and use an e-Manifest,
 169 provided that the person complies with the following requirements:
 170
- 171 A) Section 722.124 for use of e-Manifests; and

172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214

B) 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code 720.111, for the reporting of electronic documents to USEPA.

- b) A generator must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.
- c) A generator may also designate on the manifest one alternate receiving facility that is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.
- d) If the transporter is unable to deliver the hazardous waste to the designated receiving facility or the alternate facility, the generator must either designate another receiving facility or instruct the transporter to return the waste.
- e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where the following conditions are fulfilled:
 - 1) The waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments;
 - 2) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
 - 3) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.
- f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

- 215 a) USEPA approval of manifest.
 216
 217 1) A registrant may not print the manifest or have the manifest printed for
 218 use or distribution, unless it has received approval from the USEPA
 219 Director of the Office of Resource Conservation and Recovery to do so
 220 pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and
 221 (e) of this Section.
 222
 223 2) The approved registrant is responsible for ensuring that the organizations
 224 identified in its application are in compliance with the procedures of its
 225 approved application and the requirements of 40 CFR 262.21, as described
 226 in this Section. The registrant is responsible for assigning manifest
 227 tracking numbers to its manifests.
 228
 229 b) A registrant must submit an initial application to the USEPA Director of the
 230 Office of Resource Conservation and Recovery that contains the following
 231 information:
 232
 233 1) The name and mailing address of registrant;
 234
 235 2) The name, telephone number, and email address of contact person;
 236
 237 3) A brief description of registrant's government or business activity;
 238
 239 4) The USEPA identification number of the registrant, if applicable;
 240
 241 5) A description of the scope of the operations that the registrant plans to
 242 undertake in printing, distributing, and using its manifests, including the
 243 following:
 244
 245 A) A description of the printing operation. The description should
 246 include an explanation of whether the registrant intends to print its
 247 manifests in-house (i.e., using its own printing establishments) or
 248 through a separate (i.e., unaffiliated) printing company. If the
 249 registrant intends to use a separate printing company to print the
 250 manifest on its behalf, the application must identify this printing
 251 company and discuss how the registrant will oversee the company.
 252 If this includes the use of intermediaries (e.g., prime and
 253 subcontractor relationships), the role of each must be discussed.
 254 The application must provide the name and mailing address of
 255 each company. It also must provide the name and telephone
 256 number of the contact person at each company;
 257

- 258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
- B) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and
 - C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);
 - 6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;
 - 7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and
 - 8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

- 301 c) USEPA will review the application submitted under subsection (b) of this Section
 302 and either approve it or request additional information or modification before
 303 approving it.
 304
- 305 d) Submission of document samples.
 306
- 307 1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c),
 308 as described in subsection (c) of this Section, USEPA will provide the
 309 registrant an electronic file of the manifest, continuation sheet, and
 310 manifest instructions and ask the registrant to submit three fully assembled
 311 manifests and continuation sheet samples, except as noted in 40 CFR
 312 262.21(d)(3), as described in subsection (d)(3) of this Section. The
 313 registrant's samples must meet all of the specifications in 40 CFR
 314 262.21(f), as described in subsection (f) of this Section, and be printed by
 315 the company that will print the manifest as identified in the application
 316 approved by USEPA pursuant to 40 CFR 262.21(c), as described in
 317 subsection (c) of this Section.
 318
- 319 2) The registrant must submit a description of the manifest samples as
 320 follows:
 321
- 322 A) The paper type (i.e., manufacturer and grade of the manifest
 323 paper);
 324
- 325 B) The paper weight of each copy;
 326
- 327 C) The ink color of the manifest's instructions. If screening of the ink
 328 was used, the registrant must indicate the extent of the screening;
 329 and
 330
- 331 D) The method of binding the copies.
 332
- 333 3) The registrant need not submit samples of the continuation sheet if it will
 334 print its continuation sheet using the same paper type, paper weight of
 335 each copy, ink color of the instructions, and binding method as its
 336 manifest form samples.
 337
- 338 e) USEPA will evaluate the forms and either approve the registrant to print them as
 339 proposed or request additional information or modification to them before
 340 approval. USEPA will notify the registrant of its decision by mail. The registrant
 341 cannot use or distribute its forms until USEPA approves them. An approved
 342 registrant must print the manifest and continuation sheet according to its
 343 application approved by USEPA pursuant to 40 CFR 262.21(c), as described in

subsection (e) ~~of this Section~~ and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f) ~~of this Section~~. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

- f) Paper manifests and continuation sheets must be printed according to the following specifications:
- 1) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.
 - 2) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.
 - 3) The manifest and continuation sheet must be printed on 8½ x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.
 - 4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, or faxed, except that the marginal words indicating copy distribution must be printed with a distinct ink color or with another method (e.g., white text against black background in text box or black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.
 - 5) The manifest and continuation sheet must be printed as ~~five-copy~~~~six-copy~~ forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all ~~five~~~~six~~ copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.
 - 6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:
 - A) Page 1 (top copy): "Designated facility to EPA's e-Manifest system~~destination State (if required)~~".

387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428

- B) Page 2: "Designated facility to generator ~~State (if required).~~".
- C) Page 3: "Designated facility copy to generator.".
- D) Page 4: "Transporter ~~Designated facility's copy.~~".
- E) Page 5 (bottom copy): "Generator's initial ~~Transporter's copy.~~".
- F) ~~Page 6 (bottom copy): "Generator's initial copy."~~

7) The instructions for revision 12-17 of the manifest form (USEPA Form 8700-22) and the manifest continuation sheet (USEPA Form 8700-22A), must be printed in accordance with the content that is currently approved under OMB Control Number 2050-0039 and published to the e-Manifest program's website, incorporated by reference in 35 Ill. Adm. Code 720.111(b). The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

- A) Manifest Form 8700-22.
 - i) The "Instructions for Generators" on Copy 56;
 - ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 45; and
 - iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 34.
- B) Manifest Form 8700-22A.
 - i) The "Instructions for Generators" on Copy 56;
 - ii) The "Instructions for Transporters" on Copy 45; and
 - iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 34.

429 8) The designated facility copy of each manifest and continuation sheet must
430 include in the bottom margin the following warning in prominent font: "If
431 you received this manifest, you have responsibilities under the e-Manifest
432 Act. See instructions on reverse side."
433

434 g) Use of approved manifests.
435

436 1) A generator may use manifests printed by any source so long as the source
437 of the printed form has received approval from USEPA to print the
438 manifest pursuant to 40 CFR 262.21(c) and (e), as described in
439 subsections (c) and (e) ~~of this Section~~. A registered source may be any of
440 the following:

441 A) A state agency;

442 B) A commercial printer;

443 C) A hazardous waste generator, transporter, or treatment, storage, or
444 disposal facility; or

445 D) A hazardous waste broker or other preparer who prepares or
446 arranges shipments of hazardous waste for transportation.
447

448 BOARD NOTE: USEPA maintains a listing of registered sources at
449 [https://www.epa.gov/hwgenerators/approved-registered-printers-epas-](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry)
450 [manifest-registry.](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry)
451

452 2) The waste generator must determine whether the generator state or the
453 consignment state for a shipment regulates any additional wastes (beyond
454 those regulated federally) as hazardous wastes under these states'
455 authorized programs. The generator must also determine whether the
456 consignment state or generator state requires the generator to submit any
457 copies of the manifest to these states. In cases where the generator must
458 supply copies to either the generator's state or the consignment state, the
459 generator is responsible for supplying legible photocopies of the manifest
460 to these states.
461

462 h) Manifest revisions.
463

464 1) If an approved registrant would like to update any of the information
465 provided in its application approved by USEPA pursuant to 40 CFR
466 262.21(c), as described in subsection (c) ~~of this Section~~ (e.g., to update a
467 company phone number or name of contact person), the registrant must
468
469
470
471

- 472 revise the application and submit it to the USEPA Director of the Office of
 473 Resource Conservation and Recovery, along with an indication or
 474 explanation of the update, as soon as practicable after the change occurs.
 475 The USEPA will either approve or deny the revision. If USEPA denies
 476 the revision, it will explain the reasons for the denial, and it will contact
 477 the registrant and request further modification before approval.
 478
- 479 2) If the registrant would like a new tracking number suffix, the registrant
 480 must submit a proposed suffix to the USEPA Director of the Office of
 481 Resource Conservation and Recovery, along with the reason for requesting
 482 it. USEPA will either approve the suffix or deny the suffix and provide an
 483 explanation why it is not acceptable.
 484
- 485 3) If a registrant would like to change the paper type, paper weight, ink color
 486 of the manifest instructions, or binding method of its manifest or
 487 continuation sheet subsequent to approval by USEPA pursuant to 40 CFR
 488 262.21(e), as described in this subsection (e) ~~of this Section~~, then the
 489 registrant must submit three samples of the revised form for USEPA
 490 review and approval. If the approved registrant would like to use a new
 491 printer, the registrant must submit three manifest samples printed by the
 492 new printer, along with a brief description of the printer's qualifications to
 493 print the manifest. USEPA will evaluate the manifests and either approve
 494 the registrant to print the forms as proposed or request additional
 495 information or modification to them before approval. USEPA will notify
 496 the registrant of its decision by mail. The registrant cannot use or
 497 distribute its revised forms until USEPA approves them.
 498
- 499 i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as
 500 described in subsection (e) ~~of this Section~~, a registrant typesets its manifest or
 501 continuation sheet instead of using the electronic file of the forms provided by
 502 USEPA, it must submit three samples of the manifest or continuation sheet to the
 503 registry for approval. USEPA will evaluate the manifests or continuation sheets
 504 and either approve the registrant to print them as proposed or request additional
 505 information or modification to them before approval. USEPA will notify the
 506 registrant of its decision by mail. The registrant cannot use or distribute its
 507 typeset forms until USEPA approves them.
 508
- 509 j) USEPA may exempt a registrant from the requirement to submit form samples
 510 pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) ~~of~~
 511 ~~this Section~~, if USEPA is persuaded that a separate review of the registrant's
 512 forms would serve little purpose in informing an approval decision (e.g., a
 513 registrant certifies that it will print the manifest using the same paper type, paper
 514 weight, ink color of the instructions, and binding method of the form samples

515 approved for some other registrant). A registrant may request an exemption from
516 USEPA by indicating why an exemption is warranted.

517
518 k) An approved registrant must notify USEPA by phone or email as soon as it
519 becomes aware that it has duplicated tracking numbers on any manifests that have
520 been used or distributed to other parties.

521
522 l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR
523 262.21(e), as described in subsection (e) of this Section, USEPA becomes aware
524 that the approved paper type, paper weight, ink color of the instructions, or
525 binding method of the registrant's form is unsatisfactory, USEPA will contact the
526 registrant and require modifications to the form.

527
528 m) Effects of non-compliance.

529
530 1) USEPA may suspend and, if necessary, revoke printing privileges if we
531 find that the registrant has done either of the following:

532
533 A) The registrant has used or distributed forms that deviate from its
534 approved form samples in regard to paper weight, paper type, ink
535 color of the instructions, or binding method; or

536
537 B) The registrant exhibits a continuing pattern of behavior in using or
538 distributing manifests that contain duplicate manifest tracking
539 numbers.

540
541 2) USEPA will send a warning letter to the registrant that specifies the date
542 by which it must come into compliance with the requirements. If the
543 registrant does not come in compliance by the specified date, USEPA will
544 send a second letter notifying the registrant that USEPA has suspended or
545 revoked its printing privileges. An approved registrant must provide
546 information on its printing activities to the Agency and USEPA if
547 requested.

548
549 (Source: Amended at 42 Ill. Reg. _____, effective _____)

550
551 **Section 722.124 Use of the Electronic Manifest**

552
553 a) Legal equivalence to paper manifests. E-Manifests that are obtained, completed,
554 and transmitted in accordance with Section 722.120(a)(3), and used in accordance
555 with this Section in lieu of USEPA Forms 8700-22 and 8700-22A are the legal
556 equivalent of paper manifest forms bearing handwritten signatures, and satisfy for

557 all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain,
558 complete, sign, provide, use, or retain a manifest.
559

- 560 1) Any requirement in 35 Ill. Adm. Code 721 through 728 to sign a manifest
561 or manifest certification by hand, or to obtain a handwritten signature, is
562 satisfied by signing with or obtaining a valid and enforceable electronic
563 signature within the meaning of Section 722.125.
564
- 565 2) Any requirement in 35 Ill. Adm. Code 721 through 728 to give, provide,
566 send, forward, or return to another person a copy of the manifest is
567 satisfied when an e-Manifest is transmitted to the other person by
568 submission to the e-Manifest System.
569
- 570 3) Any requirement in any provision of 35 Ill. Adm. Code 721 through 728
571 for a generator to keep or retain a copy of each manifest is satisfied by
572 retention of a signed e-Manifest in the generator's account on the national
573 e-Manifest System, provided that such copies are readily available for
574 viewing and production if requested by any USEPA or authorized Agency
575 inspector.
576
- 577 4) No generator may be held liable for the inability to produce an e-Manifest
578 for inspection under this Section if the generator can demonstrate that the
579 inability to produce the e-Manifest is due exclusively to a technical
580 difficulty with the e-Manifest System for which the generator bears no
581 responsibility.
582

583 BOARD NOTE: The Board has rendered the language "and requirement in these
584 regulations" in corresponding 40 CFR 722.124(a) and (a)(1) through (a)(3) as
585 "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the
586 appropriate segments of this subsection (a). The Board intends that use of the e-
587 Manifest System have the same effect in Illinois as it would where the federal
588 requirements directly apply.
589

- 590 b) A generator may participate in the e-Manifest System either by accessing the e-
591 Manifest System from its own electronic equipment, or by accessing the e-
592 Manifest System from portable equipment brought to the generator's site by the
593 transporter who accepts the hazardous waste shipment from the generator for off-
594 site transportation.
595
- 596 c) Restriction on use of e-Manifests. A generator may ~~use~~ prepare an e-Manifest for
597 the tracking of ~~hazardous~~ waste shipments involving any ~~RCRA~~ hazardous waste
598 only if it is known at the time the manifest is originated that all waste handlers
599 named on the manifest participate in the use of the electronic manifest, except that

a generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically ~~Manifest System.~~

- d) Requirement for one printed copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a generator originating an e-Manifest must also provide the initial transporter with one printed copy of the e-Manifest.
- e) Special procedures when e-Manifest is unavailable. If a generator has prepared an e-Manifest for a hazardous waste shipment, but the e-Manifest System becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (USEPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions ~~referenced in Appendix A to this Part,~~ and use these paper forms from this point forward in accordance with the requirements of Section 722.123.
- f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an e-Manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the generator must also sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under subsection (d) ~~of this Section.~~
- g) This subsection (g) corresponds with 40 CFR 262.24(g), which USEPA has removed and marked "reserved". This statement maintains consistency with the corresponding federal rules. ~~Imposition of user fee. A generator that is a user of the e-Manifest System may be assessed a user fee by USEPA for the origination of each e-Manifest. USEPA shall maintain and update from time to time the current schedule of e-Manifest user fees, which shall be determined based on current and projected e-Manifest System costs and level of use of the e-Manifest System.~~

~~BOARD NOTE: USEPA stated in corresponding 40 CFR 262.24(g) that it would publish the current schedule of e-Manifest user fees as an appendix to 40 CFR 262.~~

643
644
645
646
647
648
649
650
651
652

h) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. A generator may participate electronically in the post-receipt data corrections process by following the process described in 35 Ill. Adm. Code 724.171(l), which applies to corrections made to either paper or electronic manifest records.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.110 Purpose, Scope, and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers
722.113 Electronic Reporting

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section
722.120 General Requirements
722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining
Manifests
722.122 Number of Copies
722.123 Use of the Manifest
722.124 Use of the Electronic Manifest
722.125 Electronic Manifest Signatures
722.127 Waste Minimization Certification

SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section
722.130 Packaging
722.131 Labeling
722.132 Marking
722.133 Placarding
722.134 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section
722.140 Recordkeeping
722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements for Generators of between 100 and 1,000
kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

722.150 Applicability
722.151 Definitions
722.152 General Requirements
722.153 Notification of Intent to Export
722.154 Special Manifest Requirements
722.155 Exception Report
722.156 Annual Reports
722.157 Recordkeeping
722.158 International Agreements

SUBPART F: IMPORTS OF HAZARDOUS WASTE

722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section

722.170 Farmers

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF
HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section

722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Notification and Consent
722.184 Movement Document
722.185 Contracts
722.186 Provisions Relating to Recognized Traders
722.187 Reporting and Recordkeeping
722.189 OECD Waste Lists

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION
AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE
ACADEMIC ENTITIES

Section

722.300 Definitions
722.301 Applicability
722.302 Opting into the Subpart K Requirements
722.303 Notice of Election into the Subpart K Requirements
722.304 Notice of Withdrawal from the Subpart K Requirements
722.305 Summary of the Requirements of this Subpart K
722.306 Container Standards in the Laboratory
722.307 Personnel Training
722.308 Removing Unwanted Material from the Laboratory
722.309 Hazardous Waste Determination and Removal of Unwanted
Material from the Laboratory
722.310 Hazardous Waste Determination in the Laboratory

722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility
722.313 Laboratory Clean-Outs
722.314 Laboratory Management Plan
722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

722.APPENDIX A Hazardous Waste Manifest (Repealed)

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R19-2 at 42 Ill. Reg. _____, effective _____.

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section 722.120 General Requirements

a) Manifest form required.

1) A generator that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the ~~appendix to 40 CFR 262~~ (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A ~~and Their Instructions~~)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) This subsection (a)(2) corresponds with 40 CFR 262.20(a)(2), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.

3) E-Manifest. In lieu of using the manifest form specified in subsection (a)(1) ~~of this Section~~, a person required to prepare a manifest under subsection (a)(1) ~~of this Section~~ may prepare and use an e-Manifest, provided that the person complies with the following requirements:

A) Section 722.124 for use of e-Manifests; and

B) 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code 720.111, for the reporting of electronic documents to USEPA.

b) A generator must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.

c) A generator may also designate on the manifest one alternate receiving facility that is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

d) If the transporter is unable to deliver the hazardous waste to the designated receiving facility or the alternate facility, the generator must either designate another receiving facility or instruct the transporter to return the waste.

e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where the following conditions are fulfilled:

- 1) The waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments;
 - 2) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
 - 3) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.
- f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

- a) USEPA approval of manifest.
 - 1) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of Resource Conservation and Recovery to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) ~~of this Section~~.
 - 2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.
- b) A registrant must submit an initial application to the USEPA Director of the Office of Resource Conservation and Recovery that contains the following information:
 - 1) The name and mailing address of registrant;
 - 2) The name, telephone number, and email address of contact person;
 - 3) A brief description of registrant's government or business activity;

- 4) The USEPA identification number of the registrant, if applicable;
- 5) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:
 - A) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;
 - B) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and
 - C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);
- 6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;
- 7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must

use this suffix to pre-print a unique manifest tracking number on each manifest; and

8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

c) USEPA will review the application submitted under subsection (b) ~~of this Section~~ and either approve it or request additional information or modification before approving it.

d) Submission of document samples.

1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) ~~of this Section~~, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) ~~of this Section~~. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) ~~of this Section~~, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) ~~of this Section~~.

2) The registrant must submit a description of the manifest samples as follows:

A) The paper type (i.e., manufacturer and grade of the manifest paper);

B) The paper weight of each copy;

C) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and

D) The method of binding the copies.

3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.

e) USEPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its

decision by mail. The registrant cannot use or distribute its forms until USEPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (e) ~~of this Section~~ and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f) ~~of this Section~~. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

f) Paper manifests and continuation sheets must be printed according to the following specifications:

1) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.

2) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

3) The manifest and continuation sheet must be printed on 8 1/2 ~~x~~ 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.

4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, or faxed, except that the marginal words indicating copy distribution must be printed with a distinct ink color or with another method (e.g., white text against black background in text box or black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

5) The manifest and continuation sheet must be printed as five ~~copy~~ ~~six~~-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all five ~~six~~ copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

A) Page 1 (top copy): "Designated facility to EPA's e-Manifest system ~~destination State (if required)~~".

B) Page 2: "Designated facility to generator ~~State (if required)~~".

C) Page 3: "Designated facility copy ~~to generator~~".

D) Page 4: "Transporter ~~Designated facility's~~ copy".

- E) Page 5 (bottom copy): "Generator's initial ~~Transporter's copy~~".
- F) ~~Page 6 (bottom copy): "Generator's initial copy."~~

7) The instructions for revision 12-17 of the manifest form (USEPA Form 8700-22) and the manifest continuation sheet (USEPA Form 8700-22A), must be printed in accordance with the content that is currently approved under OMB Control Number 2050-0039 and published to the e-Manifest program's website, incorporated by reference in 35 Ill. Adm. Code 720.111(b). The instructions ~~in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b)~~, must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

A) Manifest Form 8700-22.

- i) The "Instructions for Generators" on Copy 5-6;
- ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 4-5; and
- iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy ~~3-4.3~~.

B) Manifest Form 8700-22A.

- i) The "Instructions for Generators" on Copy 5-6;
- ii) The "Instructions for Transporters" on Copy 4-5; and
- iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy ~~3-4.3~~.

8) The designated facility copy of each manifest and continuation sheet must include in the bottom margin the following warning in prominent font: "If you received this manifest, you have responsibilities under the e-Manifest Act. See instructions on reverse side."

g) Use of approved manifests.

1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) ~~of this Section~~. A registered source may be any of the following:

- A) A state agency;
- B) A commercial printer;
- C) A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or
- D) A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>.

2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

h) Manifest revisions.

1) If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) ~~of this Section~~ (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The USEPA will either approve or deny the revision. If USEPA denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.

2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the USEPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 262.21(e), as described in this subsection (e) ~~of this Section~~, then the registrant must submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of

the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.

i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) ~~of this Section~~, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by USEPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. USEPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until USEPA approves them.

j) USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) ~~of this Section~~, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples approved for some other registrant). A registrant may request an exemption from USEPA by indicating why an exemption is warranted.

k) An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) ~~of this Section~~, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.

m) Effects of non-compliance.

1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:

A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

2) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 722.124 Use of the Electronic Manifest

a) Legal equivalence to paper manifests. E-Manifests that are obtained, completed, and transmitted in accordance with Section 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 721 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of Section 722.125.

2) Any requirement in 35 Ill. Adm. Code 721 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

3) Any requirement in any provision of 35 Ill. Adm. Code 721 through 728 for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed e-Manifest in the generator's account on the national e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized Agency inspector.

4) No generator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the generator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

BOARD NOTE: The Board has rendered the language "and requirement in these regulations" in corresponding 40 CFR 722.124(a) and (a)(1) through (a)(3) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a). The Board intends that use of the e-Manifest System have the same effect in Illinois as it would where the federal requirements directly apply.

b) A generator may participate in the e-Manifest System either by accessing the e-Manifest System from its own electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

c) Restriction on use of e-Manifests. A generator may use ~~prepare~~ an e-Manifest for the tracking of ~~hazardous~~ waste shipments involving any ~~RCRA~~ hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except that a generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically. ~~e-Manifest System.~~

d) Requirement for one printed copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a generator originating an e-Manifest must also provide the initial transporter with one printed copy of the e-Manifest.

e) Special procedures when e-Manifest is unavailable. If a generator has prepared an e-Manifest for a hazardous waste shipment, but the e-Manifest System becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (USEPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions ~~referenced in Appendix A to this Part~~, and use these paper forms from this point forward in accordance with the requirements of Section 722.123.

f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an e-Manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the generator must also sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under subsection (d) ~~of this Section~~.

g) This subsection (g) corresponds with 40 CFR 262.24(g), which USEPA has removed and marked "reserved". This statement maintains consistency with the corresponding federal rules. ~~Imposition of user fee. A generator that is a user of the e-Manifest System may be assessed a user fee by USEPA for the origination of each e-Manifest. USEPA shall maintain and update from time to time the current schedule of e-Manifest user fees, which shall be determined based on current and projected e-Manifest System costs and level of use of the e-Manifest System.~~

~~BOARD NOTE: USEPA stated in corresponding 40 CFR 262.24(g) that it would publish the current schedule of e-Manifest user fees as an appendix to 40 CFR 262.~~

h) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. A generator may participate electronically in the post-receipt data corrections process by following the process described in 35 Ill. Adm. Code 724.171(1), which applies to corrections made to either paper or electronic manifest records.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

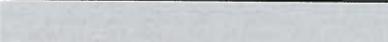
Section 722. ~~Appendix~~ APPENDIX A Hazardous Waste Manifest (Repealed)
~~The Agency must prepare manifest forms based on the appendix to federal 40 CFR 262, incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

~~ILLINOIS REGISTER~~
~~POLLUTION CONTROL BOARD~~
~~NOTICE OF PROPOSED AMENDMENTS~~
JCAR350722-1815671r01

Document comparison by Workshare Compare on Wednesday, August 15, 2018
3:19:51 PM

Input:	
Document 1 ID	file:///I:\Input\Agency Rulemakings - Files Received\2018\August 2018\35-722-Agency Proposed-(issue 33).docx
Description	35-722-Agency Proposed-(issue 33)
Document 2 ID	file:///I:\Input\Agency Rulemakings - Files Received\2018\August 2018\35-722-r01(issue 33).docx
Description	35-722-r01(issue 33)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	17
Deletions	59
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	76