



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

November 30, 2018



POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 42, Issue 49 of the Illinois Register, dated 12/7/2018.

ADOPTED RULES

Identification and Listing of Hazardous Waste 35 Ill. Adm. Code 721 Point of Contact: Mike McCambridge	21673
Standards Applicable to Generators of Hazardous Waste 35 Ill. Adm. Code 722 Point of Contact: Mike McCambridge	22047

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

2) Code citation: 35 Ill. Adm. Code 722

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
722.101	New Section
722.105	Renumbered, Amendment
722.110	Amendment
722.111	Amendment
722.112	Repealed
722.113	New Section
722.114	New Section
722.115	New Section
722.116	New Section
722.117	New Section
722.118	New Section
722.120	Amendment
722.121	Amendment
722.123	Amendment
722.124	Amendment
722.132	Amendment
722.134	Repealed
722.135	New Section
722.140	Amendment
722.141	Amendment
722.142	Amendment
722.143	Amendment
722.144	Amendment
722.150	Repealed
722.151	Repealed
722.152	Repealed
722.153	Repealed
722.154	Repealed
722.155	Repealed
722.156	Repealed
722.157	Repealed
722.158	Repealed
722.160	Repealed
722.180	Amendment
722.181	Amendment

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722.182	Amendment
722.183	Amendment
722.184	Amendment
722.185	Repealed
722.186	Repealed
722.187	Repealed
722.189	Repealed
722.300	Amendment
722.301	Amendment
722.302	Amendment
722.303	Amendment
722.304	Amendment
722.306	Amendment
722.307	Amendment
722.308	Amendment
722.309	Amendment
722.310	Amendment
722.311	Amendment
722.312	Amendment
722.313	Amendment
722.314	Amendment
722.316	Amendment
722.330	New Section
722.331	New Section
722.332	New Section
722.333	New Section
722.350	New Section
722.351	New Section
722.352	New Section
722.353	New Section
722.354	New Section
722.355	New Section
722.356	New Section
722.360	New Section
722.361	New Section
722.362	New Section
722.363	New Section
722.364	New Section
722.365	New Section

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

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- 5) Effective date of rule: NOV 19 2018
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Statement of availability: The adopted rulemaking, a copy of the Board's opinion and order adopted October 4, 2018 in consolidated docket R17-14/R17-15/R18-12/R18-31, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: 42 Ill. Reg. 10808; June 22, 2018
- 10) Has JCAR issued a statement of objections to these rules? No. 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).
- 11) Differences between the proposal and the final version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated docket R17-14/R17-15/R18-12/R18-31 summarizes the differences between the amendments adopted in the October 4, 2018 opinion and order and those proposed by the Board on May 24, 2018.

The Board added criteria for approval of additional episodic events by provisional variances. All other differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? 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 JCAR.

Since the Notices of Proposed Amendments appeared in the June 22, 2018 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the

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Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

13) Will this rulemaking replace emergency rule currently in effect? No.

14) Are there any other rulemakings pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Actions</u>	<u>Illinois Register Citation</u>
722.120	Amendment	42 Ill. Reg. 15671; August 17, 2018
722.121	Amendment	42 Ill. Reg. 15671; August 17, 2018
722.124	Amendment	42 Ill. Reg. 15671; August 17, 2018
722.Appendix A	Repealed	42 Ill. Reg. 15671; August 17, 2018

15) Summary and purpose of rulemaking: The amendments to Part 722 are a segment larger Board rulemaking. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking also includes amendments to 35 Ill. Adm. Code 702 through 705, 720, 721, 723 through 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in five separate issues of the Illinois Register. Included in this issue are the second group for publication: 35 Ill. Adm. Code 721 and 722.

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2016)) requires the Board to adopt hazardous waste rules that are identical-in-substance to United States Environmental Protection Agency's (USEPA's) Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2014)). The Illinois hazardous waste rules are in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, 733, 738, and 739. The Board reserved docket R17-14 to incorporate USEPA amendments adopted during the period July 1, 2016 through December 31, 2016 into the Illinois hazardous waste rules. Similarly, the Board reserved docket R18-12 for USEPA hazardous waste rules adopted during the period July 1, 2017 through December 31, 2017 and consolidated it with dockets R17-14, R17-15, and R18-12.

To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking 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 721. A comprehensive description is contained in the Board's

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opinion and order of October 4, 2018, adopting amendments in consolidated docket R17-14/R17-15/R18-11/R18-31. The opinion and order is available from the address below.

Specifically, the amendments to Part 722 incorporate USEPA's actions of November 28, 2016 adopting hazardous waste export-import revisions and the Generator Improvements Rule, August 29, 2017 establishing the AES filing compliance date, and December 26, 2017 barring claims of CBI for hazardous waste import, export, and transit documents.

The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board found are needed.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] 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).

- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference consolidated docket R17-14/R17-15/R18-12/R18-31 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
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Chicago, IL 60601

312-814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of October 4, 2018 at 312-814-3620. You may also obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

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

722.101	<u>Definitions</u>
722.105 722.113	Electronic Reporting
722.110	Purpose, Scope, and Applicability
722.111	Hazardous Waste Determination
722.112	USEPA Identification Numbers <u>(Repealed)</u>
722.113	<u>Generator Category Determination</u>
722.114	<u>Conditions for Exemption for a Very Small Quantity Generator</u>
722.115	<u>Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator</u>
722.116	<u>Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste</u>
722.117	<u>Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste</u>
722.118	<u>USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator</u>

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

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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 (Repealed)
722.135	Liquids in Landfills Prohibition

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

Section	
722.140	Recordkeeping
722.141	Annual Reporting for Large Quantity Generators
722.142	Exception Reporting
722.143	Additional Reporting
722.144	Recordkeeping for Small Quantity Generators
722.150	Applicability (Repealed)
722.151	Definitions (Repealed)
722.152	General Requirements (Repealed)
722.153	Notification of Intent to Export (Repealed)
722.154	Special Manifest Requirements (Repealed)
722.155	Exception Report (Repealed)
722.156	Annual Reports (Repealed)
722.157	Recordkeeping (Repealed)
722.158	International Agreements (Repealed)
722.160	Imports of Hazardous Waste (Repealed)

SUBPART G: FARMERS

Section	
722.170	Farmers

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE
FOR RECOVERY OR DISPOSAL

Section	
722.180	Applicability
722.181	Definitions

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722.182	General Conditions
722.183	Exports of Hazardous Waste
722.184	Imports of Hazardous Waste
722.185	Contracts (Repealed)
722.186	Provisions Relating to Recognized Traders (Repealed)
722.187	Reporting and Recordkeeping (Repealed)
722.189	OECD Waste Lists (Repealed)

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

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

<u>Section</u>	
<u>722.330</u>	<u>Applicability</u>
<u>722.331</u>	<u>Definitions for this Subpart L</u>
<u>722.332</u>	<u>Conditions for a Generator Managing Hazardous Waste from an Episodic Event</u>
<u>722.333</u>	<u>Request to Manage One Additional Episodic Event Per Calendar Year</u>

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SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY
PROCEDURES FOR LARGE QUANTITY GENERATORS

<u>Section</u>	
<u>722.350</u>	<u>Applicability</u>
<u>722.351</u>	<u>Maintenance and Operation of Facility</u>
<u>722.352</u>	<u>Required Equipment</u>
<u>722.353</u>	<u>Testing and Maintenance of Equipment</u>
<u>722.354</u>	<u>Access to Communications or Alarm System</u>
<u>722.355</u>	<u>Required Aisle Space</u>
<u>722.356</u>	<u>Arrangements with Local Authorities</u>
<u>722.360</u>	<u>Purpose and Implementation of Contingency Plan</u>
<u>722.361</u>	<u>Content of Contingency Plan</u>
<u>722.362</u>	<u>Copies of Contingency Plan</u>
<u>722.363</u>	<u>Amendment of Contingency Plan</u>
<u>722.364</u>	<u>Emergency Coordinator</u>
<u>722.365</u>	<u>Emergency Procedures</u>

722.APPENDIX A Hazardous Waste Manifest

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,

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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 R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 722.101 Definitions

As used in this Part, the following terms have the following meanings:

“Condition for exemption” means any requirement in Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in 35 Ill. Adm. Code 702, 703, and 724 through 728, or from any requirement for notification under section 3010 of RCRA (42 USC 6930).

“Independent requirement” means a requirement of this Part that states an event, action, or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status, and operating requirements under Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L.

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

Section ~~722.105-722.113~~ Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, ~~as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2017)-(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

(Source: Renumbered from Section 722.113 and amended at 42 Ill. Reg. _____, effective _____)

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Section 722.110 Purpose, Scope, and Applicability

- a) This Part establishes standards for generators of hazardous waste, as defined by 35 Ill. Adm. Code 720.110.
 - 1) A person who generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to all the applicable independent requirements in the following provisions:
 - A) Independent Requirements of a VSQG.
 - i) Section 722.111(a) through (d) (hazardous waste determination and recordkeeping); and
 - ii) Section 722.113 (generator category determination).
 - B) Independent Requirements of a SQG
 - i) Section 722.111 (hazardous waste determination and recordkeeping);
 - ii) Section 722.113 (generator category determination);
 - iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);
 - iv) Subpart B (manifest requirements applicable to SQGs and LQGs);
 - v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);
 - vi) Section 722.140 (recordkeeping);
 - vii) Section 722.144 (recordkeeping for SQGs); and
 - viii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).
 - C) Independent Requirements of a LQG
 - i) Section 722.111 (hazardous waste determination and recordkeeping);

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- ii) Section 722.113 (generator category determination);
 - iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);
 - iv) Subpart B (manifest requirements applicable to SQGs and LQGs);
 - v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);
 - vi) Subpart D (recordkeeping and reporting applicable to SQGs and LQGs, except Section 722.144); and
 - vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).
- 2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:
- A) A VSQG that meets the conditions for exemption in Section 722.114;
 - B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or
 - C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.
- 3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.
- b) Determining Generator Category. A generator must use Section 722.113 35 Ill. Adm. Code 721.105(e) and (d) to determine which the applicability of provisions of this Part ~~that are applicable to the generator based on dependent on calculations of the quantity of hazardous waste generated per calendar month.~~

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- c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked “reserved”. This statement maintains structural consistency with the federal provision. A generator that treats, stores, or disposes of a hazardous waste on-site must comply only with the following Sections of this Part with respect to that waste: Section 722.111, for determining whether or not the generator has a hazardous waste; Section 722.112, for obtaining an USEPA identification number; Section 722.140(e) and (d), for recordkeeping; Section 722.143, for additional reporting; and Section 722.170, for farmers, if applicable.
- d) Any person that exports or imports hazardous a-waste hazardous under U.S. national procedures to or from the countries listed in Section 722.158(a)(1) for recovery must comply with Section 722.118 and Subpart H of this Part.
- BOARD NOTE: USEPA used identical language in corresponding 40 CFR 262.10(d), 262.58(a), and 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term “waste hazardous under U.S. national procedures”; to add a definition in Section 722.181, the centralized listing of definitions for Subpart H of this Part; and to replace USEPA’s defining language in this subsection (a) with a cross-reference to the definition in Section 722.181.
- e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.
- f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.
- g) Generator Violation and Noncompliance ~~A person that generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if that person does not comply with this Part.~~
- 1) A generator’s violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.
 - 2) A generator’s noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part.

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Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

- h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.
- i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.
- j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked “reserved”. This subsection corresponds with 40 CFR 262.10(j), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.
- k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.
- l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K of this Part are not subject to the requirements set forth in subsections (l)(1) and (l)(2) of this Section, except as specifically otherwise provided in Subpart K of this Part. For purposes of this subsection (l), the terms “laboratory” and “eligible academic entity” must shall have the meanings given them in Section 722.300.
- 1) The independent requirements of Section 722.111 or the regulations in Section 722.115; for an LQG a large quantity generator, or an SQG, except as provided in Subpart K Section 722.134(e), for a small quantity generator; and

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- 2) The conditions of Section 722.114-35 Ill. Adm. Code 721.105(b), for a VSQG, except as provided in Subpart K conditionally exempt small quantity generator.

BOARD NOTE: ~~The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to an owner or operator that is shipping hazardous waste which it generated at that facility. A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.~~

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

Section 722.111 Hazardous Waste Determination

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an accurate determination as to whether ~~determine if~~ that waste is a hazardous waste in order to ensure that the waste is properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps ~~method~~:

- a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.
- ba) The person must ~~should first~~ determine whether if the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- cb) If the waste is not excluded under 35 Ill. Adm. Code 721.104, the person must ~~should then use knowledge of determine if~~ the waste to determine whether the is listed as a hazardous waste meets any of the listing descriptions under in Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If a waste is listed, the person may file a delisting petition under 35 Ill. Adm. Code 720.120 and 720.122 to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.

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~~BOARD NOTE: Even if a waste is listed as a hazardous waste, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 to demonstrate that the waste from the generator's particular facility or operation is not a hazardous waste.~~

- ~~e) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, the generator must then determine whether the waste is identified in Subpart C of 35 Ill. Adm. Code 721 by either of the following methods:~~
- ~~1) Testing the waste according to the methods set forth in Subpart C of 35 Ill. Adm. Code 721, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121; or~~
 - ~~2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.~~
- ~~d) The person then must also determine whether the waste exhibits one or more hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by following the procedures in subsection (d)(1) or (d)(2), or a combination of both.~~
- ~~1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in Subpart C of 35 Ill. Adm. Code 721, or an equivalent test method approved by the Agency or the Board under 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.~~
 - ~~2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in Subpart C of 35 Ill. Adm. Code 721 or according to~~

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an equivalent method approved by the Administrator under 35 Ill. Adm. Code 720.121 and in accordance with the following:

- A) A persons testing its waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.
- B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code 721, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.
- ed) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.
- f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code 721.103. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at subsections (c) and (d). The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this Section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at subsection (d)(1). The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.
- BOARD NOTE: Any Agency request for extended records retention under this subsection (f) is subject to Board review pursuant to Section 40 of the Act.
- g) Identifying USEPA Hazardous Waste Numbers for SQGs and LQGs. If the waste is determined to be hazardous, SQGs and LQGs must identify all applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site, the generator also must mark its containers with all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm. Code 722.132.

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

Section 722.112 USEPA Identification Numbers (Repealed)

- a) ~~— A generator must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number from USEPA.~~
- b) ~~— A generator that has not received a USEPA identification number may obtain one by applying to USEPA Region 5 using USEPA Form 8700-12. The generator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to any notification directly to USEPA. Upon receiving the request USEPA will assign a USEPA identification number to the generator.~~
- e) ~~— A generator must not offer its hazardous waste to transporters or to treatment, storage or disposal facilities that have not received a USEPA identification number.~~

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

Section 722.113 Generator Category Determination

A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from calendar month to calendar month. This Section sets forth procedures to determine whether a generator is a VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code 720.110.

- a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:
 - 1) Counting the total amount of hazardous waste generated in the calendar month;
 - 2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and
 - 3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).

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- b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:
- 1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;
 - 2) Subtracting from each total any amounts of waste exempt from counting, as described in subsections (c) and (d);
 - 3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and
 - 4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.
- c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:
- 1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;

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- 6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;
 - 7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; or
 - 8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L.
- d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:
- 1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;
 - 2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and
 - 3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.
- e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.
- f) Mixing Hazardous Waste with Solid Waste
- 1) VSQG Waste
 - A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste

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with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

- B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.
- C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste

- A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.
- B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the

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calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

g) Generator Categories Based on Quantity of Waste Generated in a Calendar Month

<u>Quantity of acute hazardous waste generated in a calendar month</u>	<u>Quantity of non-acute hazardous waste generated in a calendar month</u>	<u>Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month</u>	<u>Generator category</u>
<u>> 1 kg (> 2.2 lb)</u>	<u>Any amount</u>	<u>Any amount</u>	<u>LQG</u>
<u>Any amount</u>	<u>≥ 1,000 kg (≥ 2,200 lbs)</u>	<u>Any amount</u>	<u>LQG</u>
<u>Any amount</u>	<u>Any amount</u>	<u>> 100 kg (> 220 lbs)</u>	<u>LQG</u>
<u>≤ 1 kg (≤ 2.2 lbs)</u>	<u>> 100 kg and < 1,000 kg (> 220 lbs and < 2,200 lbs)</u>	<u>≤ 100 kg (≤ 220 lbs)</u>	<u>SQG</u>
<u>≤ 1 kg (≤ 2.2 lbs)</u>	<u>≤ 100 kg</u>	<u>≤ 100 kg (≤ 220 lbs)</u>	<u>VSQG</u>

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

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

a) Provided that a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these

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requirements, except that the VSQG must comply with this Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:

- 1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code 720.110;
- 2) The VSQG complies with Section 722.111(a) through (d);
- 3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:
 - A) Such waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(1); and
 - B) The conditions for exemption in Section 722.117(a) through (g).
- 4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:
 - A) Such waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);

BOARD NOTE: Section 722.116(c) allows an SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles for off-site treatment, storage, or disposal to accumulate the waste for up to 270 days.
 - B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and
 - C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).

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- 5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:
- A) A permitted facility under 35 Ill. Adm. Code 702 and 703;
 - B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;
 - C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;
 - D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and which is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;
 - E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - F) A facility engaging in either of the following activities:
 - i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or
 - ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;
 - G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;
 - H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:

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- i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. “Control,” for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to “control” the VSQG and LQG.
- ii) The VSQG marks its containers of hazardous waste with the words “Hazardous Waste” and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
- c) A VSQG experiencing an episodic event may generate and accumulate hazardous waste in accordance with Subpart L in lieu of Sections 722.115, 722.116, and 722.117.

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

Section 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator

- a) A generator may accumulate as much as 55 gallons (208 ℓ) of non-acute hazardous waste or either one quart (0.94 ℓ) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a

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permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator complies with all of the conditions for exemption in this Section. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:

- 1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator must immediately transfer the hazardous waste from the leaking container to a container that is in good condition and not leaking, or immediately transfer and manage the waste in a central accumulation area operated in compliance with Section 722.116(b) or 722.117(a).
- 2) The generator must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.
- 3) Special Standards for Incompatible Wastes
 - A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).
 - B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).
 - C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.
- 4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:

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- A) When the generator is adding, removing, or consolidating waste; or
 - B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:
 - i) For the proper operation of equipment; or
 - ii) To prevent dangerous situations, such as build-up of extreme pressure.
- 5) A generator must mark or label its container with the following:
- A) The words “Hazardous Waste”; and
 - B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:
- A) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 722.117(a), or
 - B) Remove the excess from the satellite accumulation area within three consecutive calendar days to any of the following:
 - i) A central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a);

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- ii) An on-site interim status or permitted treatment, storage, or disposal facility, or
- iii) An off-site designated facility; and
- C) During the three-consecutive-calendar-day period the generator must continue to comply with subsections (a)(1) through (a)(5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
- 7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b)(8) and emergency procedures at Section 722.116(b)(9).
- 8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.
- b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

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

Section 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste

An SQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or the notification requirements of section 3010 of RCRA (42 USC 6930), provided that all of the following conditions for exemption listed in this Section are met:

- a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.
- b) Accumulation. The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:
 - 1) Accumulation Limit. The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);

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2) Accumulation of Hazardous Waste in Containers

A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.

B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

C) Management of Containers

i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.

E) Special Conditions for Accumulation of Incompatible Wastes

i) The SQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) must not be placed in the same container, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or

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material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the generator complies with 35 Ill. Adm. Code 725.117(b).

iii) The SQG must separate or protect a container accumulating hazardous waste, by means of a dike, berm, wall, or other device, from any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

3) Accumulation of Hazardous Waste in Tanks

A) This subsection (b)(3)(A) corresponds with 40 CFR 262.116(b)(3)(i), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

B) An SQG of hazardous waste must comply with the following general operating conditions:

i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

iv) Where hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

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- C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, where present:
- i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
 - ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;
 - iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);
 - iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and
 - v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, the SQG must immediately take remedial action.
- D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

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- E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked “reserved”. This statement maintains structural consistency with the corresponding federal regulation.
- F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.
- G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:
- i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.
 - ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.
 - iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held

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an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

- 4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:
- A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));
 - B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and
 - C) The SQG must maintain on site at the facility the following records readily available for inspection:
 - i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.
- 5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA

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704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or

ii) Documentation that the SQG empties the unit at least once every 90 days.

iii) The SQG must maintain inventory logs or records with the above information on site and readily available for inspection.

6) Labeling and Marking of Containers and Tanks

A) Containers. An SQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical

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hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An SQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words “Hazardous Waste”;

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.

8) Preparedness and Prevention

A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire,

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explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

- B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.
- i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
 - iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.
- C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, as necessary to assure its proper operation in time of emergency.
- D) Access to Communications or Alarm System

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- i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste, all personnel involved in the operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).
 - ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).
- E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- F) Arrangements with Local Authorities
- i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where

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facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. Where more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

- ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.
- iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.
- 9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

 - A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for

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coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.

- B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:
- i) The name and emergency telephone number of the emergency coordinator;
 - ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - iii) The telephone number of the fire department, unless the facility has a direct alarm.
- C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;
- D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:
- i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;
 - ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;
 - iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424-8802). The report must include the name, address, and USEPA

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identification number of the SQG; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

- c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).
- d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

- e) Rejected Load. An SQG may accumulate returned waste on site in accordance with subsections (a) and (b) if the SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste but which the generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on site in accordance with subsections (a) through (d). Upon receipt of the returned shipment, the SQG must do either of the following:
- 1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - 2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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- f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

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

Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG meets all of the following conditions for exemption:

- a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:
- 1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:
- A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;
- B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;
- C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;
- D) Management of Containers

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- i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.
 - ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.
- E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.
- F) Special Conditions for Accumulation of Ignitable and Reactive Wastes
 - i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.
 - ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.
- G) Special Conditions for Accumulation of Incompatible Wastes

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- i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).
 - ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).
 - iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.
- 2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.
- 3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:
- A) Subpart W of 35 Ill. Adm. Code 725;
 - B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and
 - C) The LQG must maintain on site at the facility the following records readily available for inspection:

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- i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

- 4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:
 - A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and
 - B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the 16(d) and generator is consistent with respecting the 90-day

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limit, and documentation that the LQG complies with the procedures

ii) Documentation that the LQG empties the unit at least once every 90 days.

iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.

5) Labeling and Marking of Containers and Tanks

A) Containers. An LQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F

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(Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

- iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and
- iv) Keep inventory logs or records with the above information on site and readily available for inspection.

6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).

7) Personnel Training

A) Personnel Training Program

- i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).
- ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

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- iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.
- iv) For facility employees that receive emergency response training pursuant to 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility training meets all the conditions of exemption in this Section.
- B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. An employee must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).
- C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).
- D) The LQG must maintain the following documents and records at the facility:
 - i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
 - ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the

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requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;

iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);

iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).

E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:

A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit:

i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or

ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.

B) Notification for Closure of the Facility

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- i) Notify USEPA and the Agency using USEPA Form 8700-12 no later than 30 days prior to closing the facility.
 - ii) Notify USEPA and the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify USEPA and the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank or containment building units, or for a facility with drip pads, notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b).
 - iii) An LQG may request additional time to clean close, but it must notify USEPA and the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.
- C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units
- i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.
 - ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.

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- iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.
- iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform postclosure care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.
- D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).
- E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.
- 9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 35 Ill. Adm. Code 728.
- b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and

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uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

- c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:
- 1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;
 - 2) The F006 waste is legitimately recycled through metals recovery;
 - 3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and
 - 4) The LQG manages the F006 waste in accordance with the following requirements:
 - A) Requirements for Managing F006 Waste
 - i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).
 - ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).
 - iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must

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place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.

- B) The LQG is exempt from all requirements of subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).
- C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.
- D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:
- i) The words "Hazardous Waste"; and
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.
- E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).
- d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description

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for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).

- e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

- f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the following conditions. "Control," for the purposes of this Section, means the power to direct the policies of the LQG and VSQG, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a LQG or VSQG facility on behalf of a different person is not be deemed to "control" the LQG or VSQG.

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- 1) The LQG must notify USEPA and the Agency at least 30 days prior to receiving the first shipment from a VSQG using USEPA Form 8700-12; and
 - A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and
 - B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.
- 2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.
- 3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.
- g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:
 - 1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - 2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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

Section 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

- a) An SQG or LQG must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number.
- b) An SQG or LQG that has not received a USEPA identification number must obtain one by applying to USEPA using USEPA Form 8700-12. Upon receiving the request USEPA will assign a USEPA identification number to the generator.
- c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment, storage, or disposal facility that has not received a USEPA identification number.
- d) Re-Notification
 - 1) An SQG must re-notify USEPA starting in 2021 and every four years thereafter using USEPA Form 8700-12. The SQG must submit this re-notification by September 1st of each year in which re-notification is required.
 - 2) An LQG must renotify USEPA by March 1 of each even-numbered year thereafter using USEPA Form 8700-12. An LQG may submit this renotification as part of its annual report required by Section 722.141.
- e) A recognized trader must not arrange for import or export of hazardous waste without having received a USEPA identification number from USEPA.

(Source: Added 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 ~~form required.~~
 - 1) An SQG or LQG ~~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

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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 (USEPA 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) An SQG or LQG A generator must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.
- c) An SQG or LQG 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 SQG or LQG 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;

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- 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 SQG or LQG 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 ~~approval of Manifest~~ ~~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;

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- 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

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- 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 ~~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~~.

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- 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.

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- 3) The manifest and continuation sheet must be printed on 8½ × 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 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 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 destination State (if required):”.
 - B) Page 2: “Designated facility to generator State (if required):”.
 - C) Page 3: “Designated facility to generator:”.
 - D) Page 4: “Designated facility’s copy:”.
 - E) Page 5: “Transporter’s copy:”.
 - F) Page 6 (bottom copy): “Generator’s initial copy:”.
- 7) 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.

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- A) Manifest Form 8700-22:
 - i) The “Instructions for Generators” on Copy 6;
 - ii) The “Instructions for International Shipment Block” and “Instructions for Transporters” on Copy 5; and
 - iii) The “Instructions for Treatment, Storage, and Disposal Facilities” on Copy 4.
 - B) Manifest Form 8700-22A:
 - i) The “Instructions for Generators” on Copy 6;
 - ii) The “Instructions for Transporters” on Copy 5; and
 - iii) The “Instructions for Treatment, Storage, and Disposal Facilities” on Copy 4.
 - g) Use of Approved Manifests ~~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

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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 ~~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.

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- 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 ~~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.

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- 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 722.123 Use of the Manifest

- a) The generator must ~~shall~~ do the following:
 - 1) Sign the manifest certification by hand;
 - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;
 - 3) Retain one copy, in accordance with Section 722.140(a); and
 - 4) Send one copy of the manifest to the Agency within two working days.
- b) The generator must give the transporter the remaining copies of the manifest.
- c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.
- d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:
 - 1) The next non-rail transporter, if any;
 - 2) The designated receiving facility, if the waste is transported solely by rail;
or

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- 3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.

BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

- e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.
- f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:
 - 1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:
 - A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - B) Item 18c of the original manifest if the original manifest is used for the returned shipment;
 - 2) The generator must provide a copy of the manifest to the transporter;
 - 3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and
 - 4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

BOARD NOTE: The use of the term "non-empty containers" in this subsection (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty containers," for the purposes of this subsection (f), are containers that are not deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That rule allows a container that still contains waste residues to be considered "empty" under specified conditions. Thus, "container residues contained in non-empty

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containers” are subject to regulation as hazardous waste, and the requirements of this subsection (f) apply to those residues.

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

Section 722.124 Use of the Electronic Manifest

- a) Legal ~~Equivalence~~ ~~equivalence to Paper Manifests~~ ~~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 35 Ill. Adm. Code ~~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

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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 ~~use~~ of e-Manifests. A generator may 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 e-Manifest System.
- d) Requirement for One Printed Copy ~~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 ~~procedures when~~ e-Manifest Is Unavailable ~~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 ~~procedures~~ for Electronic Signature Methods Undergoing Tests ~~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) Imposition of User Fee ~~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-

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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.

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

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

Section 722.132 Marking

- a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
- b) Marking Small Containers. Before transporting hazardous waste or offering hazardous waste for transportation ~~off site~~ ~~off-site~~, a generator must mark each container of 119 gallons (450 ~~l~~-liters) or less that is used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b):
 - 1) _____ HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.
 - 2) _____ Generator's Name and Address _____.
 - 3) _____ Generator's USEPA Identification Number _____.
 - 4) _____ Manifest Tracking Number _____.
 - 5) _____ USEPA hazardous waste numbers _____.

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- c) A generator may use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers, as required by subsection (b)(5) or (d).
- d) The generator need not mark lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) with USEPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable.

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

Section 722.134 Accumulation Time (Repealed)

- a) ~~Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:~~
 - 1) ~~The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:~~
 - A) ~~In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;~~
 - B) ~~In tanks, and the generator complies with Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(e) and 725.300;~~
 - C) ~~On drip pads, and the generator complies with Subpart W of 35 Ill. Adm. Code 725 and maintains the following records at the facility:~~
 - i) ~~A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and~~
 - ii) ~~Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or~~
 - D) ~~In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer~~

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~~(PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator must maintain the following records at the facility:~~

- ~~i) — A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respect to the 90 day limit, and documentation that the procedures are complied with; or~~
- ~~ii) — Documentation that the unit is emptied at least once every 90 days;~~

~~BOARD NOTE: The Board placed the "in addition" hanging subsection that appears in the federal rules after 40 CFR 262.34(a)(1)(iv)(B) in the introduction to subsection (a) of this Section.~~

- ~~2) — The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;~~
 - ~~3) — While being accumulated on site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and~~
 - ~~4) — The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with all applicable requirements in 35 Ill. Adm. Code 728.107(a)(5).~~
- b) — A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90 day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections

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~~35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).~~

- e) ~~Accumulation near the point of generation:~~
- 1) ~~A generator may accumulate as much as 55 gallons (208 l) of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) or (d) of this Section, provided the generator does the following:~~
 - A) ~~The generator complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and~~
 - B) ~~The generator marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.~~
 - 2) ~~A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.~~
- d) ~~A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:~~
- 1) ~~The quantity of waste accumulated on-site never exceeds 6,000 kilograms;~~
 - 2) ~~The generator complies with the requirements of Subpart I of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278);~~
 - 3) ~~The generator complies with the requirements of 35 Ill. Adm. Code 725.301;~~

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- 4) ~~The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, with Subpart C of 35 Ill. Adm. Code 725, and with all applicable requirements in 35 Ill. Adm. Code 268; and~~
- 5) ~~The generator complies with the following requirements:~~
 - A) ~~At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.~~
 - B) ~~The generator must post the following information next to the telephone:~~
 - i) ~~The name and telephone number of the emergency coordinator;~~
 - ii) ~~Location of fire extinguishers and spill control material and, if present, fire alarm; and~~
 - iii) ~~The telephone number of the fire department, unless the facility has a direct alarm.~~
 - C) ~~The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.~~
 - D) ~~The emergency coordinator or designee must respond to any emergencies that arise. The following are applicable responses:~~
 - i) ~~In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;~~
 - ii) ~~In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and~~

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iii) — In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802).

E) — A report to the National Response Center pursuant to subsection (d)(5)(D)(iii) of this Section must include the following information:

i) — The name, address, and USEPA identification number (Section 722.112 of this Part) of the generator;

ii) — The date, time, and type of incident (e.g., spill or fire);

iii) — The quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and

iv) — The estimated quantity and disposition of recoverable materials, if any.

BOARD NOTE: The Board has codified 40 CFR 262.34(d)(5)(iv)(C)(1) through (d)(5)(iv)(C)(5) as subsections (d)(5)(E)(i) through (d)(5)(E)(iv) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.

e) — A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

f) — A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35

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~~Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Sections 35(b), 36(e), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(e), and 37(b)].~~

- g) — A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:
- 1) — The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling;
 - 2) — The F006 waste is legitimately recycled through metals recovery;
 - 3) — No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and
 - 4) — The F006 waste is managed in accordance with the following conditions:
 - A) — The F006 waste is placed in one of the following containing devices:
 - i) — In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;
 - ii) — In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(e) and 725.300; or
 - iii) — In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 and has placed its

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~~professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the records listed in subsection (g)(4)(F) of this Section at the facility;~~

- B) ~~In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;~~
- C) ~~The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;~~
- D) ~~While being accumulated on site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and~~
- E) ~~The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a)(5).~~
- F) ~~Required records for a containment building:~~
 - i) ~~A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or~~
 - ii) ~~Documentation that the unit is emptied at least once every 180 days.~~

~~BOARD NOTE: The Board has codified 40 CFR 262.34(g)(4)(i)(C)(1) and (g)(4)(i)(C)(2) as subsections (g)(4)(F)(i) and (g)(4)(F)(ii) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.~~

- h) ~~A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month, which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous~~

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waste code F006, and which must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of subsections (g)(1) through (g)(4) of this Section.

- i) — A generator accumulating F006 in accordance with subsections (g) and (h) of this Section that accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or which accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit.
 - 1) — On a case-by-case basis, the Agency must grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Sections 35(b), 36(e), and 37(b) of the Act [415 ILCS 5/35(b), 36(e), and 37(b)] if it finds that the F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.
 - 2) — On a case-by-case basis, the Agency must grant a provisional variance pursuant to Sections 35(b), 36(e), and 37(b) of the Act [415 ILCS 5/35(b), 36(e), and 37(b)] that allows an exception to the 20,000 kilogram accumulation limit if the Agency finds that more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.
 - 3) — A generator must follow the procedure of 35 Ill. Adm. Code 180 (Agency procedural rules) when seeking a provisional variance under subsection (i)(1) or (i)(2) of this Section.
- j) — This subsection (j) corresponds with 40 CFR 262.34(j), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.
- k) — This subsection (k) corresponds with 40 CFR 262.34(k), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741

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~~(May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 12992, and note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.~~

- ~~1) — This subsection (1) corresponds with 40 CFR 262.34(l), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 12992, and note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.~~
- m) — A generator that sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and which later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on-site in accordance with subsections (a) and (b) or (d), (e), and (f) of this Section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must sign the appropriate of the following:
- ~~1) — Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or~~
 - ~~2) — Item 20 of the manifest, if the transporter returned the shipment using a new manifest.~~

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

Section 722.135 Liquids in Landfills Prohibition

The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids must meet the additional requirements as specified in 35 Ill. Adm. Code 724.414 and 725.414.

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

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

Section 722.140 Recordkeeping

- a) A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until it receives a signed copy from the designated facility that received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
- b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).
- c) ~~Section 722.111(f) requires documenting hazardous waste determinations. A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.~~
- d) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (d) is subject to Board review pursuant to Section 40 of the Act.

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

Section 722.141 Annual Reporting for Large Quantity Generators

- a) A generator that is an LQG for at least one month of any calendar year (reporting year) shipping that ships any hazardous waste off site off-site to a treatment, storage or disposal facility within the United States must complete prepare and submit a single copy of an annual report to the Agency by March 1 of the following for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and it must cover generator activities during the previous calendar year, and must include the following information:
 - 1) ~~— The USEPA identification number, name, and address of the generator;~~
 - 2) ~~— The calendar year covered by the report;~~

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- 3) ~~The USEPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;~~
 - 4) ~~The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;~~
 - 5) ~~A description, USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721), USDOT hazard class and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by USEPA identification number of each off-site facility to which waste was shipped;~~
 - 6) ~~A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;~~
 - 7) ~~A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and~~
 - 8) ~~The certification signed by the generator or the generator's authorized representative.~~
- b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposing treats, stores, or disposes of hazardous waste on site on-site must complete and submit to the Agency by March 1 of the following even-numbered year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG pursuant to Section 722.117(f). Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth at Section 722.156.
- c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

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

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Section 722.142 Exception Reporting

- a) Generators of greater than 1,000 kg (2,200 lbs) ~~kilograms~~ of hazardous waste in a calendar month.
 - 1) A generator of 1,000 kg (2,200 lbs) ~~kilograms~~ or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days after the date the waste was accepted by the initial transporter must contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.
 - 2) A generator of 1,000 kg (2,200 lbs) ~~kilograms~~ or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, must submit an Exception Report to the Agency if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days after the date the waste was accepted by the initial transporter. The Exception Report must include the following documents:
 - A) A legible copy of the manifest for which the generator does not have a confirmation of delivery; and
 - B) A cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the result of those efforts.
- b) A generator of greater than 100 kg (220 lbs) ~~kilograms~~ but less than 1,000 kg (2,200 lbs) ~~kilograms~~ of hazardous waste in a calendar month that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days after the date the waste was accepted by the initial transporter must submit a legible copy of the manifest to the Agency, with some indication that the generator has not received confirmation of delivery.

BOARD NOTE: The submission need be only a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned copy was not received.

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- c) A generator must comply with the requirements of subsection (a) or (b) ~~of this Section~~, as applicable, when a designated facility has forwarded a rejected shipment of hazardous waste or container residues contained in non-empty containers to an alternate facility using a new manifest (following the procedures of 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or 725.172(e)(1) through (e)(6)). For purposes of generator compliance with subsection (a) or (b) ~~of this Section~~, when a designated facility forwards a shipment of rejected waste to an alternate facility, the following requirements apply:
- 1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and
 - 2) The 35-, 45-, or 60-day timeframes begin on the date that the initial transporter accepts the waste from the designated facility for shipment to the alternate facility.

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

Section 722.143 Additional Reporting

The Agency, as it deems necessary under Section 4 of the Illinois Environmental Protection Act [415 ILCS 5/4], may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 35 Ill. Adm. Code Part 721.

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

Section 722.144 Recordkeeping Special Requirements for Small Quantity Generators of between 100 and 1,000 kilograms per month

Of the requirements in this Subpart D, an SQG a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month is subject to only the following independent requirements:

- a) Section 722.140(a), (c), and (d), recordkeeping;
- b) Section 722.142(b), exception reporting; and
- c) Section 722.143, additional reporting.

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

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Section 722.150 Applicability (Repealed)

~~This Subpart E establishes requirements applicable to exports of hazardous waste. Except to the extent Section 722.158 provides otherwise, a primary exporter of hazardous waste must comply with the special requirements of this Subpart E and a transporter transporting hazardous waste for export must comply with applicable requirements of 35 Ill. Adm. Code 723. Section 722.158 sets forth the requirements of international agreements between the United States and receiving countries that establish different notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous waste for shipments between the United States and those countries.~~

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

Section 722.151 Definitions (Repealed)

~~In addition to the definitions set forth at 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart E:~~

~~“Consignee” means the ultimate treatment, storage, or disposal facility in a receiving country to which the hazardous waste will be sent.~~

~~“Primary Exporter” means any person that is required to originate the manifest for a shipment of hazardous waste in accordance with Subpart B of this Part that specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.~~

~~“Receiving country” means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage, or disposal (except short-term storage incidental to transportation).~~

~~“Transit country” means any foreign country, other than a receiving country, through which a hazardous waste is transported.~~

~~“USEPA Acknowledgment of Consent” means the cable sent to USEPA from the United States Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country’s consent to the shipment.~~

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

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Section 722.152 General Requirements (Repealed)

~~Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this Subpart E and 35 Ill. Adm. Code 723. Exports of hazardous waste are prohibited unless the following conditions are fulfilled:~~

- ~~a) Notification in accordance with Section 722.153 has been provided;~~
- ~~b) The receiving country has consented to accept the hazardous waste;~~
- ~~c) A copy of the USEPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)); and~~
- ~~d) The hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the USEPA Acknowledgment of Consent.~~

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

Section 722.153 Notification of Intent to Export (Repealed)

- ~~a) A primary exporter of hazardous waste must notify USEPA in accordance with federal 40 CFR 262.53 (Notification of Intent to Export), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~
- ~~b) The primary exporter must send the Agency a copy of each notice sent to USEPA pursuant to subsection (a) of this Section.~~

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

Section 722.154 Special Manifest Requirements (Repealed)

- ~~a) A primary exporter must comply with the manifest requirements as specified in federal 40 CFR 262.54 (Special Manifest Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~
- ~~b) The primary exporter must send a copy of the manifest to the Agency.~~

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

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Section 722.155 Exception Report (Repealed)

a) — In lieu of the requirements of Section 722.142, a primary exporter must file an exception report with USEPA as provided by federal 40 CFR 262.55 (Exception Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

b) — The primary exporter must send a copy of the exception report to the Agency.

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

Section 722.156 Annual Reports (Repealed)

a) — Primary exporters of hazardous waste must file with USEPA, no later than March 1 of each year, a report as specified in federal 40 CFR 262.56 (Annual Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

b) — The primary exporter must send the Agency a copy of each report sent to USEPA.

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

Section 722.157 Recordkeeping (Repealed)

For all exports a primary exporter must comply with the recordkeeping requirements of federal 40 CFR 262.57 (Recordkeeping), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

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

Section 722.158 International Agreements (Repealed)

a) — Any person that exports or imports waste hazardous under U.S. national procedures, as defined in Section 722.181, to or from any of the designated member countries of the Organisation for Economic Co-operation and Development (OECD), as listed in subsection (a)(1), for purposes of recovery is subject to the requirements of Subpart H of this Part. The requirements of Subparts E and F of this Part do not apply where Subpart H of this Part applies.

1) — For the purposes of this Subpart E, the designated OECD countries are Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

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- 2) — Only for the purposes of Subpart E of this Part, Canada and Mexico are considered OECD member countries.

BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), corresponding 262.58(a), and 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term “waste hazardous under U.S. national procedures”; add a definition in Section 722.181, the centralized listing of definitions for Subpart H of this Part; and replace USEPA’s defining language in this subsection (a) with a cross-reference to the definition in Section 722.181.

- b) — Any person that exports hazardous waste to or imports hazardous waste from any designated OECD member country for purposes other than recovery (e.g., incineration, disposal, etc.), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of Subparts E and F of this Part, and that person is not subject to the requirements of Subpart H of this Part.

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

Section 722.160 Imports of Hazardous Waste (Repealed)

- a) — Any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart F.
- b) — When importing hazardous waste, a person must meet all the requirements of Section 722.120 for the manifest, except that the following information items are substituted:
- 1) — In place of the generator’s name, address, and USEPA identification number, the name and address of the foreign generator and the importer’s name, address, and USEPA identification number must be used.
 - 2) — In place of the generator’s signature on the certification statement, the United States importer or the importer’s agent must sign and date the certification and obtain the signature of the initial transporter.
- e) — A person that imports hazardous waste must obtain the manifest form as provided in Section 722.121.
- d) — In the International Shipments block of the manifest, the importer must check the import box and enter the point of entry (city and State) into the United States.

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- e) ~~The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3) or 725.171(a)(3), as appropriate.~~

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

SUBPART H: TRANSBOUNDARY TRANS-BOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL WITHIN THE OECD

Section 722.180 Applicability

- a) The requirements of this Subpart H apply to transboundary movements ~~imports and exports of hazardous waste hazardous under U.S. national procedures, as defined in Section 722.181.~~

~~BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), 262.58(a), and corresponding 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term “waste hazardous under U.S. national procedures”; add a definition in Section 722.181, the centralized listing of definitions for Subpart H of this Part; and replace USEPA’s defining language in this subsection (a) with a cross-reference to the definition in Section 722.181.~~

- b) Any person (including importer, exporter, disposal facility operator, or recovery facility operator) that mixes two or more wastes (including hazardous and non-hazardous wastes) or which otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under this Subchapter c and any exporter duties under this Subpart H, as applicable.

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

Section 722.181 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the ~~The~~ following definitions apply to this Subpart H and to other provisions within this Part 722 as specifically indicated:

“Amber control procedures” means the controls listed in Section D of Annex A (“Amber Control Procedure”) to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

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BOARD NOTE: The Board added this definition.

“Amber waste” means a waste listed in Appendix 4 (“List of Wastes Subject to the Amber Control Procedure”) to Annex A and in Annex C (“OECD Consolidated List of Wastes Subject to the Amber Control Procedure”) to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

“Competent authority” means the regulatory authority or authorities of countries concerned having jurisdiction over trans-boundary movements of wastes ~~destined for recovery operations.~~

BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country: <http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

“Countries concerned” means the ~~OECD member~~ countries of export or import and any ~~OECD member~~ countries of transit. Use of the singular “concerned country” is contemplated within this definition where the text refers only to a single country.

“Consent” means the ~~specific or general consent or approval obtained pursuant to Section 722.183 from the competent authority of the country of export (for export from that country), the country of transit (for transit through that country), or the country of import (for import into that country), as required under the applicable of the Amber control procedures or red control procedures.~~

~~BOARD NOTE: The Board added this definition.~~

“Country of export” means any ~~designated OECD member country listed in Section 722.158(a)(1)~~ from which a trans-boundary movement of hazardous waste is planned to be initiated or is initiated.

“Country of import” means any ~~designated OECD member country listed in Section 722.158(a)(1)~~ to which a trans-boundary movement of hazardous waste is planned or takes place for the purpose of submitting the waste to recovery or disposal operations in that country.

“Country of transit” means any ~~designated OECD member country listed in Section 722.158(a)(1) or (a)(2)~~ other than the country of export or country of

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import across which a trans-boundary movement of waste is planned to be initiated or takes place.

“Disposal operations” means activities that do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use, or alternate uses, which include the following:

- D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.
- D2 Land treatment, such as biodegradation of liquids or sludges in soils.
- D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.
- D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.
- D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.
- D6 Release into a water body other than a sea or ocean, and other than by operation D4.
- D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.
- D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D10 Incineration on land.
- D11 Incineration at sea.

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D12 Permanent storage.

D13 Blending or mixing, prior to any of operations D1 through D12.

D14 Repackaging, prior to any of operations D1 through D13.

D15 Interim storage, prior to any of operations D1 through D12 (for transboundary movements other than with Canada).

DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).

DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).

“Export” means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations at the destination.

“Exporter” (designated as “primary exporter” in the certification statement on the RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the person domiciled in the United States that originates the movement document in accordance with Section 722.183(d) or the manifest in accordance with Subpart B specifying a foreign receiving facility as the destination of the hazardous waste or any recognized trader that proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

“Foreign exporter” “~~Exporter~~” means the person under the jurisdiction of the country of export that has, or will have at the time the planned trans-boundary movement commences, possession or other forms of legal control of the hazardous waste and that proposes shipment ~~trans-boundary movement~~ of hazardous waste to the United States for ~~the ultimate purpose of submitting it to~~ recovery or disposal operations. ~~When the United States is the country of export, exporter is interpreted to mean a person domiciled in the United States.~~

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“Foreign importer” means the person assigned possession or other form of legal control of the hazardous waste upon receipt of the exported hazardous waste in the country of import.

“Foreign receiving facility” means a facility that operates or is authorized to operate under the importing country’s applicable domestic law to receive the hazardous wastes and to perform recovery or disposal operations on them.

“Green control procedures” means the controls listed in Section C of Annex A (“Green Control Procedure”) to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

“Green waste” means a waste listed in Appendix 3 (“List of Wastes Subject to the Green Control Procedures”) to Annex A and in Annex B (“OECD Consolidated List of Wastes Subject to the Green Control Procedure”) to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

“Import” means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations at the destination.

“Importer” means the person that is assigned possession or other form of legal control of the hazardous waste at the time the imported hazardous waste is received in the United States ~~country of import~~.

~~“OECD listed waste” means, for the purposes of this Subpart H, Green waste or Amber waste, as defined in this Section.~~

~~BOARD NOTE: USEPA used the term “listed wastes” in 40 CFR 262.82(a)(1) and (a)(2) (2010) (corresponding with 35 Ill. Adm. Code 722.182(a)(1) and (a)(2)), referring to Green waste and Amber waste. The Board changed the term to “OECD listed waste” and added this definition based on the discussions at 75 Fed. Reg. 1236, 1241, 1247 (Jan. 8, 2010), to distinguish this use in the context of waste export from the common use of the same term to describe waste defined as hazardous under Subpart D of 40 CFR 261 (2010) (corresponding with Subpart D of 35 Ill. Adm. Code 721).~~

“OECD” means the Organisation for Economic Co-operation ~~Coöperation~~ and Development.

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“OECD area” means all land or marine areas under the national jurisdiction of any OECD member country ~~listed in Section 722.158~~. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

“OECD Guidance Manual” means “Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, As as-Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations;”, 2009 (also called “Guidance Manual for the Control of Transboundary Movements of Recoverable Materials” in OECD documents), but only the segments incorporated by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156.

BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation “C(2001)107/FINAL;”, USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

“OECD member country” means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.

BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD Member countries on the Internet. (<https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd>).

~~“OECD waste designation” means, for the purposes of this Subpart H, the designation by OECD of waste as Green waste or Amber waste, as defined in this Section.~~

~~BOARD NOTE: USEPA used the term “designation of waste type(s) from the appropriate OECD list” in 40 CFR 262.83(d)(12) (2010) (corresponding with 35 Ill. Adm. Code 722.183(d)(12)). The Board changed USEPA’s term to “OECD waste designation” to replace USEPA’s language and added this definition of the created term, interpreting the plain language of 40 CFR 262.83(d)(12) and~~

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262.89(d) (2010) (corresponding with 35 Ill. Adm. Code 722.183(a)(12) and 722.189(d)) to mean Green waste and Amber waste.

“Receiving facility” means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other applicable domestic laws.

“Recognized trader” means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate trans-boundary movements of wastes destined for recovery operations.

“Recovery facility” means a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

“Recovery operations” means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types of operations:

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy,
- R2 Solvent reclamation or regeneration,
- R3 Recycling or reclamation of organic substances that are not used as solvents,
- R4 Recycling or reclamation of metals and metal compounds,
- R5 Recycling or reclamation of other inorganic materials,
- R6 Regeneration of acids or bases,
- R7 Recovery of components used for pollution abatement,
- R8 Recovery of components from used catalysts,
- R9 Used oil re-refining or other reuses of previously used oil,

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- R10 Land treatment resulting in benefit to agriculture or ecological improvement,
- R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 (for transboundary shipments other than with Canada),
- R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 (for transboundary shipments other than with Canada), and
- R13 Accumulation of material intended for any operation numbered R1 through R12 (for transboundary shipments other than with Canada) in this listing.
- RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).
- RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).
- RC16 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

“Trans-boundary movement” means any movement of hazardous wastes from an area under the national jurisdiction of one ~~OECD member~~ country to an area under the national jurisdiction of another ~~OECD member~~ country.

“~~Waste hazardous under U.S. national procedures~~” means, for the purposes of Sections 722.110(d) and 722.159(a) and ~~Subpart H of this Part,~~ a waste that meets the definition of hazardous waste, as set forth in 35 Ill. Adm. Code 721.103, and which is subject to any of the following regulations:

~~The hazardous waste manifesting requirements of Subpart B of this Part;~~

~~The universal waste management standards of 35 Ill. Adm. Code 733, 40 CFR 273, or analogous requirements of a sister state; or~~

~~The export requirements in the spent lead-acid battery management standards of Subpart G of 35 Ill. Adm. Code 726, subpart G of 40 CFR 266, or analogous requirements of a sister state.~~

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~~BOARD NOTE: BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), 262.58(a), and 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term "waste hazardous under U.S. national procedures" for uniform use wherever this type of waste is intended; add a definition in this Section, the centralized listing of definitions for Subpart H of this Part; and replace USEPA's defining language in 40 CFR 262.10(d), 262.58(a), and 262.80(a) with cross-references to this definition.~~

"USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends to the exporter documenting the specific terms of the country of import's consent and any countries of transit's consents.

BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the definition of "export license" in 15 CFR 30.1.

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

Section 722.182 General Conditions

- a) Scope. The level of control for exports and imports of waste ~~hazardous under U.S. national procedures, as defined in Section 722.181,~~ is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.
- 1) Green Wastes~~OECD-listed wastes subject to the Green control procedures.~~
- A) Green waste that is ~~waste hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.
- B) Green waste that is ~~waste hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ is subject to the requirements of Amber control procedures set forth in this Subpart H.
- 2) Amber Wastes~~OECD-listed wastes subject to the Amber control procedures.~~
- A) Amber waste that is ~~waste hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ is subject to the Amber control procedures set forth in this Subpart H, even if it is imported

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to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

- ~~B)~~ ~~Amber waste that is waste hazardous under U.S. national procedures, as defined in Section 722.181, is subject to the Amber control procedures within the United States, even if they are imported to or exported from a designated OECD member country listed in Section 722.158(a)(1) that does not consider the waste to be hazardous. In such an event, the responsibilities of the Amber control procedures shift as follows:~~
- ~~i) For exports of Amber waste from the United States, exporter must comply with Section 722.183 USEPA has stated that the United States will issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import.~~
 - ~~ii) For imports of Amber waste into the United States, USEPA has stated that the U.S. recovery or disposal facility and the or importer must comply with Section 722.184 assume the obligations associated with the Amber control procedures that normally apply to the exporter, and the United States will assume the obligations associated with the Amber control procedures that normally apply to the country of export.~~
- ~~BC)~~ ~~Amber waste that is not waste-hazardous waste under U.S. national procedures, as defined in Section 722.181, but which is considered hazardous by the other an OECD member country, is subject to the Amber control procedures in the OECD member country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other importer or exporter of the OECD member country that considers the waste hazardous unless the parties make other arrangements through contracts.~~

BOARD NOTE: Some Amber wastes that are subject to Amber control procedures are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements Amber control

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~~procedures~~ of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of this Subpart H.

3) Mixtures~~Procedures for mixtures of wastes.~~

- A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not ~~waste-hazardous waste is not~~ under U.S. national procedures, as defined in Section 722.181, is subject to the requirements of this Subpart H~~Green control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.~~

BOARD NOTE: USEPA has noted that the law of some ~~OECD member~~ countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

- B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes, such that ~~the resulting waste mixture is waste~~ hazardous waste under U.S. national procedures, as defined in Section 722.181, is subject to the requirements of this Subpart H~~Amber control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.~~

BOARD NOTE: USEPA has noted that the law of some ~~OECD member~~ countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for trans-boundary movements, as follows:

- A) If such waste is ~~waste-hazardous waste under U.S. national procedures, as defined in Section 722.181~~, the waste is subject to the requirements of this Subpart H~~Amber control procedures.~~

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- B) If such waste is not ~~waste-hazardous waste under U.S. national procedures, as defined in Section 722.181~~, the waste is not subject to the requirements of this Subpart H ~~Green control procedures~~.
- b) General Conditions Applicable to Trans-Boundary Movements ~~trans-boundary movements of Hazardous Waste hazardous waste~~.
- 1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country of import;
 - 2) The trans-boundary movement must comply ~~be in compliance with~~ applicable international transport agreements; and
- BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).
- 3) Any transit of hazardous waste through one or more countries ~~a non-OECD member country~~ must comply ~~be conducted in compliance with~~ all applicable international and national laws and regulations.
- e) ~~Provisions relating to re-export for recovery to a third country.~~
- 1) ~~Re-export of waste that is subject to the Amber control procedures from the United States, as the country of import, to a third country listed in Section 722.158(a)(1) may occur only after an exporter in the United States provides notification to and obtains consent from the competent authorities in the third country, the original country of export, and any transit countries. The notification must comply with the notice and consent procedures in Section 722.183 for all countries concerned and the original exporting country. The competent authorities of the original exporting country, as well as the competent authorities of all other concerned countries, have 30 days to object to the proposed movement.~~
 - A) ~~The 30-day period begins once the competent authorities of both the initial country of export and new country of import issue Acknowledgments of Receipt of the notification.~~
 - B) ~~The trans-boundary movement may commence if no objection has been lodged after the 30-day period has passed or immediately~~

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~~after written consent is received from all relevant OECD countries of import and countries of transit.~~

- ~~2) — In the case of re-export of Amber waste to a country other than those listed in Section 722.158(a)(1), notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in subsection (e)(1) of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first country of import.~~
- d) ~~Duty to return or re-export wastes subject to the Amber control procedures. When a trans-boundary movement of wastes subject to the Amber control procedures cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste must be returned to the country of export or re-exported to a third country. The provisions of subsection (e) of this Section apply to any shipments to be re-exported to a third country. The following provisions apply to shipments to be returned to the country of export, as appropriate:~~
- 1) ~~Return from the United States to the country of export. The U.S. importer must inform USEPA at the address specified in Section 722.183(b)(1)(A) of the need to return the shipment. USEPA stated that it will then inform the competent authorities of the countries of export and transit, citing the reasons for returning the waste. The U.S. importer must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned OECD member countries. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.~~
- 2) ~~Return from the country of import to the United States. The U.S. exporter must provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs USEPA of the need to return the waste or such other period of time as the concerned OECD member countries agree. The U.S. exporter must submit an exception report to USEPA in accordance with Section 722.187(b).~~

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- ce) Duty to return wastes subject to the Amber control procedures during transit through the United States from a country of transit. When a trans-boundary movement of hazardous waste wastes subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries. The following provisions apply, as appropriate:
- ~~1) — Return from the United States (as country of transit) to the country of export. The U.S. transporter must inform USEPA at the specified address in Section 722.183(b)(1)(A) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned OECD member countries.~~
 - ~~2) — Return from the country of transit to the United States (as country of export). The U.S. exporter must provide for the return of the hazardous waste shipment within 90 days from the time the competent authority of the country of transit informs USEPA of the need to return the waste or such other period of time as the concerned OECD member countries agree. The U.S. exporter must submit an exception report to USEPA in accordance with Section 722.187(b).~~
- d) Laboratory Analysis Exemption. Export or import of a hazardous waste sample is exempt from the requirements of this Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

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- e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in this Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:
- 1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington, DC 20460.
 - 2) For Hand-Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division
Environmental Protection Agency
William Jefferson Clinton South Bldg., Room 6144
12th St. and Pennsylvania Ave NW.
Washington, DC 20004.
- f) ~~Requirements for wastes destined for and received by facilities engaged in R12 and R13 recovery operations. The trans-boundary movement of wastes destined for an R12 or R13 recovery operation must comply with all Amber control procedures for notification and consent, as set forth in Section 722.183, and for the movement document, as set forth in Section 722.184. Additional responsibilities of a facility engaged in an R12 or R13 recovery operation include the following:~~
- 1) ~~Indicating in the notification document the foreseen recovery facility or facilities where the subsequent R1 through R11 recovery operation will take place or may take place.~~
 - 2) ~~Within three days after the receipt of the wastes by a facility engaged in R12 or R13 recovery operation, the facility owner or operator must return a signed copy of the movement document to the exporter and to the competent authorities of the country of export and the country of import. The facility owner or operator must retain the original of the movement document for three years.~~

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- 3) — As soon as possible, but no later than 30 days after the completion of the R12 or R13 recovery operation and no later than one calendar year following the receipt of the waste, an R12 or R13 recovery operation facility owner or operator must send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to USEPA, by mail, email without digital signature followed by mail, or fax followed by mail, at the following address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance Assurance
Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460.

- 4) — When an a facility engaged in an R12 or R13 recovery operation delivers wastes for recovery to a facility engaged in an R1 through R11 recovery operation located in the country of import, the owner or operator of the R12 or R13 recovery operation facility must obtain, as soon as possible, but no later than one calendar year following delivery of the waste, a certification from the R1 through R11 recovery operation that recovery of the wastes at that facility has been completed. The owner or operator of the R12 or R13 recovery operation facility must promptly transmit the applicable certification to the competent authorities of the country of import and the country of export, identifying the trans boundary movements to which the certification pertains.

- 5) — When an R12 or R13 recovery operation facility delivers wastes for recovery to an R1 through R11 recovery operation facility located as follows, the indicated requirements apply:

A) — In the initial country of export, Amber control procedures apply, including a new notification;

B) — In a third country other than the initial country of export, Amber control procedures apply, with the additional requirement that the competent authority of the initial country of export must also be notified of the trans boundary movement.

- g) — Laboratory analysis exemption. The trans boundary movement of an Amber waste is exempt from the Amber control procedures if the Amber waste is in certain quantities and destined for laboratory analysis to assess its physical or

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~~chemical characteristics or determine its suitability for recovery operations. The quantity of such Amber waste must be determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, but in no case may the amount of Amber waste exceed 25 kilograms (kg). Amber waste destined for laboratory analysis must still be appropriately packaged and labeled.~~

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

Section 722.183 Exports of Hazardous Waste~~Notification and Consent~~

- a) General Export Requirements. Except as provided in subsections (a)(5) and (a)(6), an exporter that receives an AOC from USEPA before December 31, 2016 is subject to that approval and the requirements listed in the AOC as they existed at the time of that approval until the approval period expires. All other exports of hazardous waste are prohibited unless the following conditions are fulfilled:
- 1) The exporter complies with the contract requirements in subsection (f);
 - 2) The exporter complies with the notification requirements in subsection (b);
 - 3) The exporter receives an AOC from USEPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);
 - 4) The exporter ensures compliance with the movement documents requirements in subsection (d);
 - 5) The exporter ensures compliance with the manifest instructions for export shipments in subsection (c); and
 - 6) The exporter or a U.S. authorized agent must submit electronic export information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and includes the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:
 - A) The USEPA license code;

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- B) The commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12), incorporated by reference in 35 Ill. Adm. Code 720.111;
- C) The USEPA consent number for each hazardous waste;
- D) The country of ultimate destination code per 15 CFR 30.6(a)(5), incorporated by reference in 35 Ill. Adm. Code 720.111;
- E) The date of export per 15 CFR 30.6(a)(2), incorporated by reference in 35 Ill. Adm. Code 720.111;
- F) The RCRA hazardous waste manifest tracking number, if required;
- G) The quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15), incorporated by reference in 35 Ill. Adm. Code 720.111; or
- H) The USEPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

b) Notifications

- 1) General Notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to USEPA of the proposed transboundary movement. Notifications must be submitted electronically using USEPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and the notification must include all of the following information:
 - A) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;

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- B) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
- C) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
- D) The intended transporters or their agents; address, telephone, fax, and email address;
- E) “U.S.” as the country of export name, “USA01” as the relevant competent authority code, and the intended U.S. ports of exit;
- F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;
- G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of entry for the country of import;
- H) A statement of whether the notification covers a single shipment or multiple shipments;
- I) The start and end dates requested for transboundary movements;
- J) The planned means of transport;
- K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each waste in either metric tons or cubic meters; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous

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Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each waste;

L) Specification of the recovery or disposal operations, as defined in Section 722.181.

M) A declaration and certification signed by the exporter that states as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

2) Exports to Pre-Consented Recovery Facilities in OECD Member Countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. A notification proposing export to a preconsented facility in an OECD member country must include all information listed in subsections (b)(1)(A) through (b)(1)(M) and additionally state that the facility is preconsented. The exporter must submit the notification to USEPA using the allowable methods listed in subsection (b)(1) at least ten days before the first shipment is expected to leave the United States.

3) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the foreign receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or

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interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12 the final foreign recovery or disposal facility will employ. For transboundary movements to Canada, in addition to the foregoing foreign receiving facilities listed in subsection (b)(1)(B), if the foreign receiving facility will engage in interim recovery operations RC16 or interim disposal operations DC17, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC14 to RC15, D1 through D12, and DC15 to DC16 the final foreign recovery or disposal facility will employ. The recovery and disposal operations in this subsection are defined in Section 722.181.

- 4) Renotifications. When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an USEPA AOC letter documenting the countries' consents to the changes.
- 5) If the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, USEPA will coordinate with the Department of State to provide the complete notification to the country of import and any countries of transit. In all other cases, USEPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).
- 6) If the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the

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proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA stated that it will notify the exporter.

- 7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183, including providing notification to USEPA in accordance with subsection (b)(1). In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M), the exporter must provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from USEPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to reexport.
 - 8) Upon request by USEPA, the exporter must furnish to USEPA any additional information which the country of import requests in order to respond to a notification.
- c) RCRA Manifest Instructions for Export Shipments. The exporter must comply with the manifest requirements of Sections 722.120 through 722.123, with the following exceptions:
- 1) (Block 8): In lieu of the name, site address and USEPA ID number of the designated facility, the exporter must enter the name and site address of the foreign receiving facility;
 - 2) (Block 16): In the International Shipments block, the exporter must check the export box and enter the port of exit (city and state) from the United States.
 - 3) The exporter must list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use Continuation Sheets (USEPA Form 8700-22A).
 - 4) The exporter may obtain the manifest from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

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

d) Movement Document Requirements for Export Shipments

- 1) An exporter must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the wastes reach the foreign receiving facility, including cases where the hazardous waste is stored or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as follows:
 - A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water.
 - B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.
- 2) The movement document must include the following:
 - A) The corresponding consent numbers and USEPA hazardous waste numbers for the listed hazardous waste from the relevant USEPA AOCs;
 - B) The shipment number and the total number of shipments from the USEPA AOC;
 - C) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
 - D) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

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- E) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
- F) A description of each hazardous waste; the quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable OECD waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;
- G) The date movement commenced;
- H) The name (if not exporter), address, telephone, fax numbers, and email of company originating the shipment;
- I) The company name, USEPA identification number, address, telephone, fax, and email address of each transporter;
- J) Identification (license, registered name, or registration number) of means of transport, including types of packaging;
- K) Any special precautions to be taken by transporters;
- L) A declaration and certification signed and dated by the exporter that the information in the movement document is complete and correct;
- M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);
- N) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and

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- O) As part of the contract requirements per subsection (f), the exporter must require that the foreign receiving facility send a copy of the signed movement document to the competent authorities of the countries of import and transit to confirm receipt within three working days of shipment delivery to the exporter. The exporter must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- e) Duty to Return or Re-Export Hazardous Wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or reexported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs USEPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter must submit an exception report to USEPA in accordance with subsection (h).
- f) Export Contract Requirements
- 1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements for export of hazardous waste must be executed by the exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign receiving facility. The contract or equivalent arrangements must specify responsibilities for each of the exporter, the foreign importer, and the owner or operator of the foreign receiving facility. A contract or equivalent arrangements is valid for the purposes only if each person assuming obligations under the contracts or equivalent arrangements has appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.
- 2) A contract or equivalent arrangements must specify the name and USEPA identification number of the following:

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- A) The company from where each export shipment of hazardous waste is initiated;
 - B) Each person who will have physical custody of the hazardous wastes;
 - C) Each person who will have legal control of the hazardous wastes; and
 - D) The foreign receiving facility.
- 3) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if its disposition cannot be carried out as described in the notification of intent to export. For this contingency, contracts must specify the following:
- A) That the transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, USEPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; and
 - B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of hazardous wastes, providing the notification for re-export to the competent authority in the country of import, including the equivalent of the information required in subsection (b)(1) and the original consent number issued for the initial export of the hazardous wastes in the notification, and obtaining consent from USEPA and the competent authorities in the new country of import and any transit countries, as necessary, prior to re-export.
- 4) A contract must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).

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- 5) A contract must require that the foreign receiving facility send a copy of the signed and dated confirmation of recovery or disposal to the exporter and to the competent authority of the country of import, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- 6) A contract must require that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC17, (recovery and disposal operations defined in 35 Ill. Adm. Code 722.181) do the appropriate of the following:
- A) Provide the notification required in subsection (f)(3)(B) prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and
- B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility to the competent authority of the country of import within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16 or one of disposal operations D1 through D12, DC15, or DC16. The contracts must additionally require that the foreign facility send copies to USEPA at the same time using the WIETS described in subsection (b)(1).
- 7) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD member countries and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with any

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foreign requirements; in some cases, persons or facilities located in those OECD member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- 8) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.
- 9) Upon request by USEPA or the Agency, U.S. exporters, importers, or recovery facilities must submit to the requestor copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).
- g) Annual Reports. The exporter must file an annual report with USEPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. Prior to December 31, 2018, the exporter must mail or hand-deliver annual reports to USEPA for all shipments made the previous calendar year using one of the appropriate of the addresses specified in Section 722.182(e), or submit to USEPA using the WIETS described in subsection (b)(1) if the exporter has electronically filed USEPA information in AES per subsection (a)(6)(A)(i). Subsequently, the exporter must submit annual reports to USEPA using the WIETS described in subsection (b)(1). The annual report must include all of the following information:
 - 1) The USEPA identification number, name, and mailing and site address of the exporter filing the report;
 - 2) The calendar year covered by the report;
 - 3) The name and site address of each foreign receiving facility;
 - 4) By foreign receiving facility, for each hazardous waste exported:
 - A) A description of the hazardous waste;
 - B) The applicable USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721) for each waste;

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- C) The applicable waste code from the appropriate OECD waste list in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111;
- D) The applicable USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;
- E) The name and USEPA identification number (where applicable) for each transporter used over the calendar year covered by the report; and
- F) The consent numbers under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;
- 5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:
- A) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and
- B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
- 6) A certification signed by the exporter that states:
- I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.
- h) Exception Reports

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- 1) The exporter must file an exception report in lieu of the requirements of Section 722.142 (if applicable) with USEPA if any of the following occurs:
 - A) The exporter has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States within 45 days from the date hazardous waste was accepted by the initial transporter, in which case the exporter must file the exception report within the next 30 days;
 - B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection (d) within 90 days from the date the waste was accepted by the initial transporter in which case the exporter must file the exception report within the next 30 days; or
 - C) The foreign receiving facility notifies the exporter, or the country of import notifies USEPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter must file the exception report within 30 days of notification, or one day prior to the date the return shipment commences, whichever is sooner.
- 2) Prior to December 31, 2018, exception reports must be mailed or hand delivered to USEPA using the addresses listed in Section 722.182(e). Subsequently, exception reports must be submitted to USEPA using the WIETS described in subsection (b)(1).
 - i) Recordkeeping
 - 1) The exporter must keep the following records in subsections (i)(1)(A) through (i)(1)(E) and provide them to USEPA or Agency personnel upon request:
 - A) A copy of each notification of intent to export and each USEPA AOC for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
 - B) A copy of each annual report for a period of at least three years from the due date of the report;

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- C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter;
- D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment; and
- E) A copy of each contract or equivalent arrangement established per Section 722.185 for at least three years from the expiration date of the contract or equivalent arrangement.
- 2) The exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the exporter bears no responsibility.
- 3) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (i)(3) is subject to Board review pursuant to Section 40 of the Act.

- a) ~~Applicability. Consent must be obtained from the competent authorities of the relevant OECD country of import and country of transit prior to exporting hazardous waste destined for recovery operations subject to this Subpart H. Hazardous wastes subject to Amber control procedures are subject to the requirements of subsection (b) of this Section, and wastes that are not OECD-listed waste are subject to the requirements of subsection (c) of this Section.~~
- b) ~~Amber wastes. Export of hazardous waste from the United States, as described in Section 722.180(a), that is subject to the Amber control procedures is prohibited~~

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~~unless the notification and consent requirements of subsection (b)(1) or subsection (b)(2) of this Section are met.~~

~~1) — Transactions requiring specific consent.~~

~~A) — Notification. At least 45 days prior to commencement of each trans boundary movement, the exporter must provide written notification in English of the proposed trans boundary movement to the Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in subsection (d) of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, the same USEPA hazardous waste codes, and the Amber wastes are to be sent periodically to the same recovery facility by the same exporter, the exporter may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to Section 722.184.~~

~~B) — Tacit consent. If no objection has been lodged by any country concerned (i.e., country of export, country of import, or country of transit) to a notification provided pursuant to subsection (b)(1)(A) of this Section within 30 days after the date of issuance of the Acknowledgement of Receipt of notification by the competent authority of the country of import, the trans boundary movement may commence. Tacit consent expires one calendar year after the close of the 30 day period; renotification and renewal of all consents is required for exports after that date.~~

~~C) — Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the trans boundary movement may commence immediately after all necessary consents are received.~~

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~~Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.~~

- 2) ~~Trans boundary movements to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery.~~
- A) ~~Notification. The exporter must provide USEPA and the Agency a notification that contains all of the information identified in subsection (d) of this Section in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification must indicate that the recovery facility is preapproved, and may apply to a single specific shipment or to multiple shipments as described in subsection (b)(1)(A) of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "OECD Export Notification—Pre-approved Facility" prominently displayed on the envelope. General notifications that cover multiple shipments as described in subsection (b)(1)(A) of this Section may cover a period of up to three years. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to Section 722.184.~~
- B) ~~Exports to pre-approved facilities may take place after the elapse of seven working days from the issuance of an Acknowledgement of Receipt of the notification by the competent authority of the country of import, unless the exporter has received information indicating that the competent authority of any country concerned has objected to the shipment.~~
- e) ~~Waste that is not Green waste or Amber waste. Waste destined for recovery operations that is not Green waste or Amber waste, as defined in Section 722.181, but which is waste hazardous under U.S. national procedures, as defined in~~

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~~Section 722.181, is subject to the notification and consent requirements established for the Amber control procedures in accordance with subsection (b) of this Section. Waste destined for recovery operations, that has not been assigned to the OECD Green and Amber lists incorporated by reference in 35 Ill. Adm. Code 720.111(a), and which is not waste hazardous under U.S. national procedures, as defined in Section 722.181, are subject to the Green control procedures.~~

- d) ~~Notification information. Notifications submitted under this Section must include the following information:~~
- ~~1) The serial number or other accepted identifier of the notification document;~~
 - ~~2) The exporter's name and USEPA identification number (if applicable), address, telephone, fax number, and email address;~~
 - ~~3) The importing recovery facility's name, address, telephone, fax number, e-mail address, and technologies employed;~~
 - ~~4) The importer's name (if not the owner or operator of the recovery facility), address, and telephone, fax number, and e-mail address; whether the importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 prior to delivering the waste to the final recovery facility; and identification of recovery operations to be employed at the final recovery facility;~~
 - ~~5) The intended transporters' or their agents' address, telephone, fax, and e-mail address;~~
 - ~~6) The country of export and relevant competent authority and point of departure;~~
 - ~~7) The countries of transit and relevant competent authorities and points of entry and departure;~~
 - ~~8) The country of import and relevant competent authority and point of entry;~~
 - ~~9) A statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;~~
 - ~~10) The dates foreseen for commencement of trans-boundary movements;~~

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- 11) ~~The means of transport envisaged;~~
- 12) ~~The OECD waste designation (e.g., Green waste or Amber waste) for each waste type, a description of each waste type, the estimated total quantity of each waste type, the USEPA hazardous waste code for each waste type, and the United Nations number for each waste type;~~
- 13) ~~The specification of the recovery operation, as defined in Section 722.181; and~~
- 14) ~~A certification and declaration signed by the exporter that states as follows:~~

~~“I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or must be in force covering the trans-boundary movement.~~

~~Name: _____~~

~~Signature: _____~~

~~Date: _____”~~

~~BOARD NOTE: USEPA does not currently require financial assurance for these waste shipments. However, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.~~

- e) ~~Certificate of recovery. As soon as possible, but no later than 30 days after the completion of recovery or one calendar year following receipt of the waste, whichever comes first, the U.S. recovery facility must send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import. The recovery facility owner or operator must send the certificate of recovery by mail. Alternatively, the recovery facility owner or operator may send the certificate by e-mail without a digital signature or by fax, so long as the sending is immediately followed by mail. The certificate of recovery must include a signed, written, and dated statement which affirms that the waste materials were recovered in the manner agreed to by the parties to the contract required under Section 722.185.~~

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

Section 722.184 Imports of Hazardous Waste~~Movement Document~~

a) General Import Requirements

- 1) With the exception of subsection (a)(5), the importer of a shipment covered under a consent from USEPA to the country of export issued before December 31, 2016 is subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart H.
- 2) Where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to USEPA in accordance with subsection (b).
- 3) The importer must comply with the contract requirements in subsection (f).
- 4) The importer must ensure compliance with the movement documents requirements in subsection (d); and
- 5) The importer must ensure compliance with the manifest instructions for import shipments in subsection (c).

b) Notifications. Where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, but USEPA does regulate the waste as hazardous waste, the following requirements apply:

- 1) The importer is required to provide notification in English to USEPA of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. A notification submitted prior to the electronic import-export reporting compliance date must be mailed or hand delivered to USEPA at the addresses specified in Section 722.182(e). Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using USEPA's WIETS. The notification may

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cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information:

- A) The foreign exporter name, address, telephone, fax numbers, and email address;
- B) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
- C) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;
- D) The intended transporters or their agents; address, telephone, fax, and email address;
- E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;
- F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;
- G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of exit for the country of export;
- H) A statement of whether the notification covers a single shipment or multiple shipments;
- I) The start and end dates requested for transboundary movements;
- J) The planned means of transport;
- K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of

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lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each hazardous waste; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

L) Specification of the recovery or disposal operations, as defined in Section 722.181; and

M) A declaration and certification signed by the exporter that states as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

BOARD NOTE: The United States does not currently require financial assurance for these waste shipments.

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

2) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according

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to subsection (b)(1) must also include the final recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in Section 722.181.

- 3) Renotifications. When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until USEPA and the countries of transit consent to the changes and the importer receives an USEPA AOC letter documenting the consents to the changes.
- 4) A notification is complete when USEPA determines the notification satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).
- 5) Where USEPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the importer documenting the countries' consents and USEPA's consent. Where any of the countries of transit or USEPA objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA will notify the importer.
- 6) Export of Hazardous Wastes Originally Imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183(b)(7).

c) RCRA Manifest Instructions for Import Shipments

- 1) When importing hazardous waste, the importer must meet all the requirements of Section 722.120 for the manifest, with the following exceptions:
 - A) (Block 5): In place of the generator's name, address and USEPA identification number, the name and address of the foreign

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generator and the importer's name, address and USEPA identification number must be used.

- B) (Block 15): In place of the generator's signature on the certification statement, the importer or its agent must sign and date the certification and obtain the signature of the initial transporter.
- 2) The importer may obtain the manifest form from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

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

- 3) In the International Shipments block (block 16), the importer must check the import box and enter the point of entry (city and state) into the United States.
- 4) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3) and 725.171(a)(3).
- 5) In lieu of the requirements of Section 722.120(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to do the following:
- A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and
- B) Revise the manifest in accordance with the importer's instructions.
- d) Movement Document Requirements for Import Shipments
- 1) The importer must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer prior to shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (d)(1)(B).

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- A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.
- B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

2) The movement document must include the following:

- A) The corresponding USEPA AOC numbers and USEPA hazardous waste numbers for the listed waste;
- B) The shipment number and the total number of shipments under the USEPA AOC number;
- C) The foreign exporter name, address, telephone, fax numbers, and email address;
- D) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
- E) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;
- F) A description of each hazardous waste, quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;
- G) The date movement commenced;

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- H) The name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment;
 - I) The company name, USEPA identification number, address, telephone, fax, and email address of all transporters;
 - J) Identification (license, registered name or registration number) of the means of transport, including types of packaging;
 - K) Any special precautions to be taken by transporters;
 - L) A declaration and certification signed and dated by the foreign exporter that the information in the movement document is complete and correct;
 - M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);
 - N) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and
 - O) The receiving facility must send a copy of the signed movement document to the competent authorities of the countries of export and transit to confirm receipt within three working days after shipment delivery to the foreign exporter. For shipments received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.
- e) Duty to Return or Export Hazardous Wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents, the provisions of subsection (f)(4) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subsection (b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from

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the competent authority of the country of transit, and provides a copy of that consent to the importer.

f) Import Contract Requirements

1) Imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements must specify responsibilities for each of the foreign exporter, the importer, and the owner or operator of the receiving facility, and each must execute the contract or equivalent arrangements. A contract or equivalent arrangements is valid for the purposes of hazardous waste import only if all persons assuming obligations under the contract or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

2) Contracts or equivalent arrangements must specify the name and USEPA identification number, where available, of the following persons:

A) The foreign company from which each import shipment of hazardous waste is initiated;

B) Each person that will have physical custody of the hazardous wastes;

C) Each person that will have legal control of the hazardous wastes; and

D) The receiving facility.

3) A contract or equivalent arrangements must specify the use of a movement document in accordance with Section 722.184(d).

4) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if the wastes' disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, the contract must specify each of the following:

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- A) That the transporter or receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the foreign exporter, the importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and
- B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of the hazardous wastes, if necessary, providing the notification for re-export as required by Section 722.183(b)(7).
- 5) A contract must specify that the importer or the receiving facility performing interim recycling operations R12, R13, or RC16 or interim disposal operations D13 through D15 or DC15 through DC17, as appropriate, will provide the notification required by Section 722.183(b)(7) prior to the re-export of hazardous waste. The recovery and disposal operations in this subsection are defined in Section 722.181.
- 6) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with any financial requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- 7) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.
- 8) Upon request by USEPA, an importer or disposal or recovery facility must submit to USEPA copies of the contract, chain of contracts, or equivalent

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arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

g) Confirmation of Recovery or Disposal. The receiving facility must do the following:

1) Send copies of the signed and dated confirmation of recovery or disposal to the foreign exporter and to the competent authority of the country of export., as soon as possible, but no later than thirty days after completing recovery or disposal of the waste in the shipment and no later than one calendar year following receipt of the waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, reporting to USEPA must occur electronically using USEPA's WIETS.

2) If the receiving facility performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17, the receiving facility must promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC14 to RC15, or one of disposal operations D1 through D12, or DC15 to DC16, to the competent authority of the country of export within one year of shipment delivery. For confirmations received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (g)(2) are defined in Section 722.181.

h) Recordkeeping

1) The importer must keep the following records and provide them to USEPA or the Agency upon request:

A) A copy of each notification that the importer sends to USEPA under subsection (b)(1) and each USEPA AOC the importer receives in response for a period of at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and

B) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the expiration date of the contract or equivalent arrangement.

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- 2) The receiving facility must keep the following records:
- A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three years from the date it received the hazardous waste;
 - B) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years from the date that it completed processing the waste shipment;
 - C) For the receiving facility that performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17 (recovery and disposal operations defined in Section 722.181), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to the receiving facility for at least three years from the date that the final recovery or disposal facility completed processing the waste shipment; and
 - D) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the expiration date of the contract or equivalent arrangement.
- 3) An importers or receiving facility may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this Section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the importer or receiving facility bears no responsibility.
- 4) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (h)(4) is subject to Board review pursuant to Section 40 of the Act.

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- a) ~~All U.S. parties subject to the contract provisions of Section 722.185 must ensure that a movement document meeting the conditions of subsection (b) of this Section accompanies each trans-boundary movement of wastes subject to Amber control procedures from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or sorted by the importer prior to shipment to the final recovery facility, except as provided in this subsection (a).~~
- 1) ~~For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must forward the movement document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures at Section 722.123(e)).~~
 - 2) ~~For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must forward the movement document with the manifest (in accordance with the routing procedures for the manifest in Section 722.123(d)) to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.~~
- b) ~~The movement document must include all information required under Section 722.183 (for notification) as well as the following information:~~
- 1) ~~The date movement commenced;~~
 - 2) ~~The name (if not the exporter), address, telephone, fax numbers, and e-mail of the primary exporter;~~
 - 3) ~~The company name and USEPA identification number of all transporters;~~
 - 4) ~~Identification (license, registered name, or registration number) of means of transport, including types of packaging envisaged;~~
 - 5) ~~Any special precautions to be taken by transporters;~~
 - 6) ~~A certification or declaration signed by the exporter that no objection to the shipment has been lodged as follows:~~

~~“I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other~~

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~~financial guarantees are or must be in force covering the trans-boundary movement, and that (delete sentences that are not applicable):”~~

~~“1. All necessary consents have been received.”;~~

~~“2. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period.”; or~~

~~“3. The shipment is directed at a recovery facility pre-authorized for that type of waste within the OECD area, such an authorization has not been revoked, and no objection has been received from any of the concerned countries.”~~

~~“Name: _____~~

~~Signature: _____~~

~~Date: _____”; and~~

- ~~7) — The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the recovery facility).~~
- e) — ~~Exporters also must comply with the special manifest requirements of Section 722.154(a), (b), (c), (e), and (i) and importers must comply with the import requirements of Subpart F of this Part.~~
- d) — ~~Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the movement document (e.g., transporter, importer, and owner or operator of the recovery facility).~~
- e) — ~~Within three working days after the receipt of imports subject to this Subpart H, the owner or operator of the U.S. recovery facility must send signed copies of the movement document to the exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the country of export and country of transit. If the concerned U.S. recovery facility is an R12 or R13 recovery operation facility, as defined in Section 722.181, the facility owner or operator must retain the original of the movement document for three years.~~

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

Section 722.185 Contracts (Repealed)

- a) ~~Trans boundary movements of hazardous wastes subject to the Amber control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the exporter and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.~~
- b) ~~Contracts or equivalent arrangements must specify the following names and USEPA identification numbers, where available:~~
 - 1) ~~The generator of each type of waste;~~
 - 2) ~~Each person that will have physical custody of the wastes;~~
 - 3) ~~Each person that will have legal control of the wastes; and~~
 - 4) ~~The recovery facility.~~
- e) ~~Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify the following:~~
 - 1) ~~That the person having actual possession or physical control over the wastes will immediately inform the exporter and the competent authorities of the country of export and country of import and, if the wastes are located in a country of transit, the competent authorities of that country; and~~
 - 2) ~~That the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of wastes and, as the case may be, shall provide the notification for re-export.~~

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- d) — ~~Contracts must specify that the importer will provide the notification required in Section 722.182(c) prior to re-export of controlled wastes to a third country.~~
- e) — ~~Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any country concerned, in accordance with applicable national or international law requirements.~~

~~BOARD NOTE: Financial guarantees so required are intended to provide for alternative recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The U.S. does not require such financial guarantees at this time; however, some OECD member countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, a transporter or importer may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.~~

- f) — ~~Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.~~
- g) — ~~Upon request by USEPA or the Agency, a U.S. exporter, importer, or recovery facility must submit to USEPA and the Agency copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 35 Ill. Adm. Code 130 will be treated as confidential and will be disclosed by the Agency only as provided in 35 Ill. Adm. Code 130.~~

~~BOARD NOTE: Although the United States does not require routine submission of contracts at this time, OECD Guidance Manual allows OECD member countries to impose such requirements. When other OECD member countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, USEPA or the Agency will request the required information; absent submission of such information, some OECD member countries may deny consent for the proposed movement. Information submitted to USEPA for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) and 260.2 will be treated as confidential and will be disclosed by USEPA only as provided in 40 CFR 260.2.~~

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

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Section 722.186 Provisions Relating to Recognized Traders (Repealed)

- a) ~~— A recognized trader that takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable federal laws.~~
- b) ~~— A recognized trader acting as an exporter or importer for trans boundary shipments of waste must comply with all the exporter or importer requirements of this Subpart H.~~

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

Section 722.187 Reporting and Recordkeeping (Repealed)

- a) ~~— Annual reports. For all waste movements subject to this Subpart H, persons (e.g., exporters, recognized traders, etc.) that meet the definition of primary exporter in Section 722.151 or which initiate the movement documentation pursuant to Section 722.184 must file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter or the person that initiates the movement document under Section 722.184 is required to file an annual report for waste exports that are not covered under this Subpart H, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section.) Such reports must include all of the following information:~~
 - 1) ~~— The USEPA identification number, name, and mailing and site address of the exporter filing the report;~~
 - 2) ~~— The calendar year covered by the report;~~
 - 3) ~~— The name and site address of each final recovery facility;~~
 - 4) ~~— By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number~~

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(from Subpart C or D of 35 Ill. Adm. Code 721); the OECD waste designation, as defined in Section 722.181, the USDOT hazard class; the name and USEPA identification number (where applicable) for each transporter used; the total amount of hazardous waste shipped pursuant to this Subpart H; and the number of shipments pursuant to each notification;

5) — ~~In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:~~

A) — ~~A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and~~

B) — ~~A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and~~

6) — ~~A certification signed by the person acting as primary exporter or initiator of the movement document under Section 722.184 that states as follows:~~

~~"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."~~

b) — ~~Exception reports. Any person that meets the definition of primary exporter in Section 722.151 or which initiates the movement document under Section 722.184 must file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 (if applicable) if any of the following occurs:~~

1) — ~~The person has not received a copy of the movement documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;~~

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~~2) Within 90 days from the date the waste was accepted by the initial transporter, the exporter has not received written confirmation from the recovery facility that the hazardous waste was received; or~~

~~3) The waste is returned to the United States.~~

~~BOARD NOTE: The primary exporter must file the exception report required by this subsection (b) with USEPA at the following address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.~~

~~e) Recordkeeping.~~

~~1) A person that meets the definition of primary exporter in Section 722.151 or which initiates the movement document under Section 722.184 must keep the following records:~~

~~A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of countries concerned, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;~~

~~B) A copy of each annual report, for a period of at least three years from the due date of the report;~~

~~C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., movement document) sent by the recovery facility to the exporter, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable; and~~

~~D) A copy of each certificate of recovery sent by the recovery facility to the exporter, for at least three years from the date that the recovery facility completed processing the waste shipment.~~

~~2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency.~~

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

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Section 722.189 OECD Waste Lists (Repealed)

- a) ~~General. For the purposes of this Subpart H, a waste is considered hazardous under U.S. national procedures, and hence subject to this Subpart H, if the following is true of the waste:~~
- 1) ~~The waste meets the federal definition of hazardous waste in 35 Ill. Adm. Code 721.103; and~~
 - 2) ~~The waste is subject to any of the following requirements:~~
 - A) ~~The hazardous waste manifesting requirements of Subpart B of this Part, those of corresponding subpart B of 40 CFR 262, or those of a sister state that are analogous to subpart B of 40 CFR 262;~~
 - B) ~~The universal waste management standards of 35 Ill. Adm. Code 733, those of corresponding 40 CFR 273, or those of a sister state that are analogous to 40 CFR 273;~~
 - C) ~~The export requirements in the spent lead-acid battery management standards of Subpart G of 35 Ill. Adm. Code 726, those of corresponding subpart G of 40 CFR 266, or those of a sister state that are analogous to the export requirements in subpart G of 40 CFR 266.~~
- b) ~~If a waste is hazardous under subsection (a) of this Section, it is subject to the Amber control procedures, regardless of whether it is Amber waste, as defined in Section 722.181.~~
- e) ~~The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Section 722.182.~~
- d) ~~This subsection (d) corresponds with 40 CFR 262.89(e), which incorporates the OECD Guidance Manual by reference. This statement maintains structural consistency with the corresponding federal regulations.~~

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

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

Section 722.300 Definitions

The following definitions apply for the purposes of this Subpart K:

~~“Central accumulation area” means an on-site hazardous waste accumulation area subject to Section 722.134(a) and (b), for a large quantity generator, or Section 722.134(d) through (f), for a small quantity generator. A central accumulation area at an eligible academic entity that chooses to be subject to this Subpart K must also comply with Section 722.311 when accumulating unwanted material or hazardous waste.~~

“College or University” means a private or public post-secondary degree-granting academic institution that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

BOARD NOTE: The Department of Education maintains on-line lists of accrediting agencies on the Internet at the following address: www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized.

“Eligible academic entity” means a college or university, a non-profit research institute that is owned by or which has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or which has a formal written affiliation agreement with a college or university.

“Formal written affiliation agreement” for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research or education and which is signed by an authorized representative, as that term is defined in 35 Ill. Adm. Code 720.110, from each institution. A relationship that exists on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. “Formal written affiliation agreement” for a teaching hospital means a “master affiliation agreement” and “program letter of agreement,” as these terms are defined in the document entitled “Accreditation Council for Graduate Medical Education: Glossary of Terms,” incorporated by reference in 35 Ill. Adm. Code 720.111, with an accredited medical program or medical school.

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“Laboratory” means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are laboratories within the meaning of this definition. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories within the meaning of this definition.

“Laboratory clean-out” means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or which have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor or occupant. A regularly scheduled removal of unwanted material, as required by Section 722.308, does not qualify as a laboratory clean-out within the meaning of this definition.

“Laboratory worker” means a person who handles chemicals or unwanted material in a laboratory. This may include, but is not limited to, any member of faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a supervisor or manager, or a principal investigator. A person does not need to be paid or otherwise compensated for his or her work in the laboratory to be considered a laboratory worker. An undergraduate or graduate student in a supervised classroom setting is not a laboratory worker.

“Non-profit research institute” means an organization that conducts research as its primary function and which files as a nonprofit organization under section 501(c)(3) of the federal tax code (26 USC 501(c)(3)).

“Reactive acutely hazardous unwanted material” means an unwanted material that is one of the acutely hazardous commercial chemical products listed in 35 Ill. Adm. Code 721.133(e) for reactivity.

“Teaching hospital” means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

“Trained professional” means a person who has completed the applicable RCRA training requirements of 35 Ill. Adm. Code ~~722.117-725.116~~, for an LQG-a large quantity generator, or who is knowledgeable about normal operations and

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emergencies in accordance with Section ~~722.116-722.134(d)(5)(C)~~, for an SQG a small quantity generator or VSQG-conditionally exempt small quantity generator. A trained professional may be an employee of the eligible academic entity or a contractor or vendor who meets the requisite training requirements.

“Unwanted material” means any chemical, mixtures of chemicals, products of experiments, or other material from a laboratory that is no longer needed, wanted, or usable in the laboratory and which is destined for hazardous waste determination by a trained professional. Unwanted material includes reactive acutely hazardous unwanted material, material that may eventually be determined not to be solid waste pursuant to 35 Ill. Adm. Code 721.102, or a hazardous waste pursuant to 35 Ill. Adm. Code 721.103. If an eligible academic entity elects to use another equally effective term in lieu of “unwanted material,”, as allowed by Section 722.306(a)(1)(A), the equally effective term will have the same meaning, and the material designated by that term will be subject to the same requirements as “unwanted material” under this Subpart K.

“Working container” means a small container (i.e., two gallons (7.6 l) or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

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

Section 722.301 Applicability

- a) LQGs Large quantity generators and SQGs small quantity generators. This Subpart K provides alternative requirements to the requirements set forth in Sections 722.111 and ~~722.115 722.134(e)~~ for determination of hazardous waste and accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.
- b) VSQGsConditionally exempt small quantity generators. This Subpart K provides alternative requirements to the conditional exemption set forth in 35 Ill. Adm. Code ~~722.114 721.105(b)~~ for the accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

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

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Section 722.302 Opting into the Subpart K Requirements

- a) LQGs ~~Large quantity generators~~ and SQGs ~~small quantity generators~~. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the requirements set forth in Sections 722.111 and ~~722.115-722.134(e)~~.
- b) VSQGs ~~Conditionally exempt small quantity generators~~. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the conditional exemption of 35 Ill. Adm. Code ~~722.114-721.105(b)~~.

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

Section 722.303 Notice of Election into the Subpart K Requirements

- a) If an eligible academic entity elects to become subject to the requirements of this Subpart K, it must notify the Agency and USEPA Region 5 of this election in writing using the Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number. If the eligible academic entity is a VSQG ~~conditionally exempt small quantity generator (CESQG)~~ that does not have a USEPA identification number, the VSQG ~~CESQG~~ must notify the Agency and USEPA Region 5 that it has made this choice for all the laboratories that the eligible academic entity owns or operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG ~~CESQG~~ with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG ~~CESQG~~) that it elects to become subject to the requirements of this Subpart K. The eligible academic entity must submit USEPA Form 8700-12 to the Agency and USEPA Region 5 before it begins operating under this Subpart K.

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the “RCRA Subtitle C Site Identification Form (EPA Form 8700-12).” ~~This is the title that appears on the face of the form.~~ The title on the ~~pre-pended instructions for~~ USEPA Form 8700-12, however, is “Notification of RCRA Subtitle C Activity.” USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and-wwww.epa.gov/osw/inforesources/data/form8700/8700-12.pdf. ~~Only the November 2009 version of USEPA Form~~

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~~8700-12 includes a segment relating to the alternative standards for eligible academic entities.~~

- b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

“1. Reason for Submittal”

“2. Site EPA identification number ~~ID Number~~” (except for a VSQG ~~conditionally exempt small quantity generator~~)

“3. Site Name”

“4. Site Location Information”

“5. Site Land Type”

“6. North American Industry Classification System (NAICS) Code(s) for the Site”

BOARD NOTE: See the definition of “NAICS Code” in 35 Ill. Adm. Code 720.110.

“7. Site Mailing Address”

“8. Site Contact Person”

“9. Operator and Legal Owner of the Site”

“10. Type of Regulated Waste Activity”

“13. Certification”

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a) ~~of this Section~~, on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.
- d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.
- e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university

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on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

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

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

- a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and ~~722.115~~ ~~722.134(e)~~, which are the generally applicable standards for SQGs small quantity generators and LQGs large quantity generators. An eligible academic entity must notify the Agency and USEPA Region 5 in writing of this election using the USEPA Form 8700-12. If the eligible academic entity is a VSQG CESQG that does not have a USEPA identification number, it must notify the Agency and USEPA Region 5 that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that are on site on-site. The eligible academic entity that is a VSQG CESQG that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code ~~722.114~~ ~~721.105(b)~~. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG CESQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG CESQG) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency and USEPA Region 5 before it begins operating under the standards requirements set forth in Sections 722.111 and 722.115 ~~722.134(e)~~, which are the generally applicable standards for SQGs small quantity generators and LQGs large quantity generators, or Section 722.114 ~~35 Ill. Adm. Code 721.105(b)~~, which are the generally applicable standards for VSQGs conditionally exempt small quantity generators.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the “RCRA Subtitle C Site Identification Form (EPA Form 8700-12)”. ~~This is the title that appears on the face of the form.~~ The title on the ~~pre-pended instructions for~~ USEPA Form 8700-12, however, is “Notification of RCRA Subtitle C Activity”. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and www.epa.gov/osw/inforesources/

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~~data/form8700/8700-12.pdf. Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities.~~

- b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:
- “1. Reason for Submittal”
 - “2. Site EPA identification number ~~ID Number~~” (except for a VSQG ~~conditionally exempt small quantity generator~~)
 - “3. Site Name”
 - “4. Site Location Information”
 - “5. Site Land Type”
 - “6. North American Industry Classification System (NAICS) Code(s) for the Site”
- BOARD NOTE: See the definition of “NAICS Code” in 35 Ill. Adm. Code 720.110.
- “7. Site Mailing Address”
 - “8. Site Contact Person”
 - “9. Operator and Legal Owner of the Site”
 - “10. Type of Regulated Waste Activity”
 - “13. Certification”
- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a) ~~of this Section~~, on file at the eligible academic entity for three years after the date of the notification of withdrawal.

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

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Section 722.306 Container Standards in the Laboratory

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this Section.

- a) Labeling: The eligible academic entity must label containers of unwanted material as follows:
 - 1) The following information must be affixed or attached to the container:
 - A) The words “unwanted material;”, or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and
 - B) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to, the following:
 - i) The name of the chemicals; or
 - ii) The type or class of chemicals, such as organic solvents or halogenated organic solvents.
 - 2) The following information may be affixed or attached to the container, but must be associated with the container if not attached to it:
 - A) The date on which the unwanted material first began accumulating in the container; and
 - B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a hazardous waste and to assign the proper USEPA waste-hazardous waste numbers codes to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:
 - i) The name or description of the chemical contents or the composition of the unwanted material or, if known, the product of the chemical reaction;

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- ii) Whether the unwanted material has been used or is unused; and
 - iii) A description of the manner in which the chemical was produced or processed, if applicable.
- b) Management of Containers in the Laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and which prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:
- 1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;
 - 2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and
 - 3) Containers must be kept closed at all times, except under the following circumstances:
 - A) A container may be open when adding, removing, or bulking unwanted material;
 - B) A working container may be open until the end of the procedure, until the end of the work shift, or until it is full, whichever comes first, at which time either the working container must be closed or its contents emptied into a separate container that is then closed; or
 - C) A container may be open when venting of a container is necessary for either of the following reasons:
 - i) It is necessary for the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs; or
 - ii) It is necessary to prevent dangerous situations, such as a build-up of extreme pressure.

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

Section 722.307 Personnel Training

An eligible academic entity must provide training to all individuals working in its laboratory, as follows:

- a) It must provide training for laboratory workers and students that is commensurate with their duties, so that the workers and students understand the requirements of this Subpart K and can implement them.
- b) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including, but not limited to, any of the following:
 - 1) Instruction by the professor or laboratory manager before or during an experiment;
 - 2) Formal classroom training;
 - 3) Electronic or written training;
 - 4) On-the-job training; or
 - 5) Written or oral exams.
- c) An eligible academic entity that is an LQG ~~a large quantity generator~~ (see Section 722.127) must maintain for the durations specified in 35 Ill. Adm. Code 725.116(e) documentation which is sufficient to demonstrate that training for all laboratory workers has occurred. Examples of documentation which demonstrates that training has occurred can include, but are not limited to, the following:
 - 1) Sign-in or attendance sheets for training sessions;
 - 2) Syllabi for training sessions;
 - 3) Certificates of training completion; or
 - 4) Test results.
- d) A trained professional is required for either of the following tasks:

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- 1) A trained professional must accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and
- 2) A trained professional must make the hazardous waste determination for unwanted material, pursuant to Section 722.111(a) through (d).

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

Section 722.308 Removing Unwanted Material from the Laboratory

- a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must do either of the following:
 - 1) It must remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 12 ~~six~~-months; or
 - 2) It must remove containers of unwanted material from each laboratory within 12 ~~six~~-months after each container's accumulation start date.
- b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subsection (a)(1) or (a)(2) ~~of this Section~~ for the regular removal of unwanted material from its laboratories.
- c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subsection (a)(1) or (a)(2) ~~of this Section~~ and how the eligible academic entity will develop a schedule for regular removals of unwanted material from its laboratories.
- d) Removing containers of unwanted material when volumes are exceeded.
 - 1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons (208 ℓ) before the regularly scheduled removal, the eligible academic entity must ensure that the following requirements are fulfilled for all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):
 - A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 ℓ) was exceeded; and

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- B) The containers are removed from the laboratory within 10 calendar days after the date on which 55 gallons (208 l) was exceeded, or on the date of the next regularly scheduled removal, whichever comes first.
- 2) If a laboratory accumulates more than one quart (0.946 l) of liquid reactive acutely hazardous unwanted material or more than 1 kg (2.2 lbs) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that the following requirements are fulfilled for all containers of reactive acutely hazardous unwanted material:
- A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which one quart (0.946 l) or 1 kg was exceeded; and
- B) The containers are removed from the laboratory within 10 calendar days after the date on which one quart (0.946 l) or 1 kg was exceeded, or at the next regularly scheduled removal, whichever comes first.

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

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

- a) ~~LQGs large quantity generators and SQGs small quantity generators.~~ An eligible academic entity that is an LQG a large quantity generator or an SQG a small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:
- 1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;
 - 2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or
 - 3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.

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- b) ~~VSQGs~~~~Conditionally exempt small quantity generators~~. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111(a) through (d), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with Section 722.310.

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

Section 722.310 Hazardous Waste Determination in the Laboratory

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory, it must fulfill the following requirements:

- a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111(a) through (d), before the unwanted material is removed from the laboratory.
- b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:
- 1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;
 - 2) It must write the appropriate USEPA hazardous waste numbers codes on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category status, pursuant to Section 722.113-35 Ill. Adm. Code 721.105(c) and (d), in the calendar month that the hazardous waste determination was made.
- c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.
- d) When hazardous waste is removed from the laboratory, the following requirements apply:

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- 1) An eligible academic entity that is an LQG ~~a large quantity generator~~ or an SQG ~~a small quantity generator~~ must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.
- 2) An eligible academic entity that is a VSQG ~~conditionally exempt small quantity generator~~ must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in Section 722.114-35 Ill. Adm. Code 721.105(f)(3), for acute hazardous waste, or 35 Ill. Adm. Code 721.105(g)(3), for hazardous waste.
- e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

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

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

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site central accumulation area, it must fulfill the following requirements:

- a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.
- b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.
- c) The unwanted material becomes subject to the generator accumulation regulations of Section 722.116-722.134(a) (or Section 722.134(j) and (k) for a Performance Track member), for an SQG-a large quantity generator, or Section 722.117-722.134(d) through (f), for an LQG-a small quantity generator, as soon as the material arrives in the central accumulation area, except for the “hazardous waste” labeling requirements of Sections 722.116(b)(6) and 722.117(a)(5)-Section 722.134(a)(3) (or Section 722.134(j)(6) for a Performance Track member).
- d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at the on-site central accumulation area.

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- e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:
 - 1) It must write the words “hazardous waste” on the container label that is affixed or attached to the container, within four calendar days after the unwanted material has arrived at the on-site central accumulation area and before the hazardous waste may be removed from that area;
 - 2) It must write the appropriate USEPA hazardous waste numbers codes on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported offsite;
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity’s generator category status, pursuant to 35 Ill. Adm. Code 722.113-721.105(e) and (d), in the calendar month that the hazardous waste determination was made; and
 - 4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

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

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it must fulfill the following requirements:

- a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage, or disposal facility;
- b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site interim status or permitted treatment, storage, or disposal facility;
- c) The unwanted material becomes subject to the terms of the eligible academic entity’s hazardous waste permit or interim status as soon as it arrives at the on-site treatment, storage, or disposal facility;

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- d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and
- e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:
 - 1) It must write the words “hazardous waste” on the container label that is affixed or attached to the container within four calendar days after the unwanted material has arrived at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from that facility;
 - 2) It must write the appropriate USEPA hazardous waste numbers codes on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site;
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity’s generator category status, pursuant to 35 Ill. Adm. Code 722.113 721.105(e) and (d) in the calendar month that the hazardous waste determination was made; and
 - 4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

Section 722.313 Laboratory Clean-Outs

- a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:
 - 1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive

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~~acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material~~), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;

- 2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator ~~category status~~, pursuant to 35 Ill. Adm. Code ~~722.113-721.105(e) and (d)~~, a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and which is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator ~~category status~~, pursuant to 35 Ill. Adm. Code ~~722.113-721.105(e) and (d)~~, if it is determined to be hazardous waste;
 - 3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator ~~category status~~ under subsection (a)(2) of ~~this Section~~, and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of ~~non-acute hazardous waste (i.e., the VSQG conditionally exempt small quantity generator limits, as defined in 35 Ill. Adm. Code 720.110 of 35 Ill. Adm. Code 721.105)~~, the hazardous waste is subject to all applicable hazardous waste regulations when it is transported ~~off site~~ ~~off-site~~; and
 - 4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain these records for a period of three years from the date on which the clean-out ended.
- b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this Subpart K, including, but not limited to the following:

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- 1) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material), as required by Section 722.308; and
- 2) The requirement to count all hazardous waste, including unused hazardous waste, that is generated during the laboratory clean-out toward its hazardous waste generator category-status, pursuant to 35 Ill. Adm. Code 722.113-721.105(e) and (d).

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

Section 722.314 Laboratory Management Plan

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this Subpart K. An eligible academic entity may write one Laboratory Management Plan for all of the laboratories that it owns which have opted into this Subpart K, even if the laboratories are located at sites with different USEPA identification numbers. The Laboratory Management Plan must contain two parts, with a total of the nine elements identified in subsections (a) and (b) ~~of this Section~~. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in subsection (a) ~~of this Section~~. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of its Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in subsection (b) ~~of this Section~~. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this Subpart K. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it so chooses.

- a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must include the following information:
 - 1) Part I must describe procedures for container labeling in accordance with Section 722.306(a), as follows:

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- A) Identification whether the eligible academic entity will use the term “unwanted material” on the containers in the laboratory. If not, identification of an equally effective term that the eligible academic entity will consistently use in lieu of “unwanted material.”. The equally effective term, if used, has the same meaning as the term “unwanted material;” and the material is subject to the same requirements as if it were called “unwanted material”; and
 - B) Identification of the manner in which information that is “associated with the container” will be imparted.
- 2) Identification whether the eligible academic entity will comply with Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.
- b) In Part II of its Laboratory Management Plan, an eligible academic entity must include the following information:
- 1) Description of its intended best practices for container labeling and management (see the required standards at Section 722.306);
 - 2) Description of its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at Section 722.307(a));
 - 3) Description of its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at Section 722.307(d)(1));
 - 4) Description of its intended best practices for removing unwanted material from the laboratory, including the following:
 - A) For regularly scheduled removals, a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at Section 722.308(a)(1) and (a)(2));
 - B) For removals when maximum volumes are exceeded, the following:
 - i) Description of the eligible academic entity’s intended best practices for removing unwanted materials from the

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laboratory within 10 calendar days after the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and

- ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes;
- 5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at Sections 722.111(a) through (d) and 722.309 through 722.312);
- 6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:
- A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (a)(3)); and
 - B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4));
- 7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:
- A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;
 - B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;
 - C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and
 - D) Procedures for the timely characterization of unknown chemicals.
- c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who may request it.

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- d) An eligible academic entity must review and revise its Laboratory Management Plan as needed.

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

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

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this Subpart K, and either of the following is true of the waste:

- a) That hazardous waste remains subject to the generator requirements of Sections 722.111 and ~~722.115, 722.134(e)~~ for an LQG a large quantity generator or an SQG a small quantity generator (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 35 Ill. Adm. Code 40-CFR-722; or
- b) That hazardous waste remains subject to the conditional exemption of 35 Ill. Adm. Code ~~722.114, 721.105(b)~~ for a VSQG conditionally exempt small quantity generator.

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

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section 722.330 Applicability

This subpart is applicable to VSQGs and SQGs, as defined in 35 Ill. Adm. Code 720.110.

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

Section 722.331 Definitions for This Subpart L

“Episodic event” means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator’s usual category.

“Planned episodic event” means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

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“Unplanned episodic event” means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or “acts of nature”, such as tornado, hurricane, or flood.

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

Section 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event

- a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:
- 1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
 - 2) Notification. The VSQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700–12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700–12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);
 - 3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700–12;
 - 4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:
 - A) Containers. A VSQG accumulating in containers must mark or label its containers with the following:

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- i) The words “Episodic Hazardous Waste”;
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date when the episodic event began, clearly visible for inspection on each container.
- B) Tanks. A VSQG accumulating episodic hazardous waste in tanks must do the following:
- i) Mark or label the tank with the words “Episodic Hazardous Waste”;
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and

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- iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.

- C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;
 - i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and

 - ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

- 5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

- 6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

- 7) A VSQG must maintain the following records for three years from the end date of the episodic event:
 - A) The beginning and end dates of the episodic event;

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- B) A description of the episodic event;
 - C) A description of the types and quantities of hazardous wastes generated during the event;
 - D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;
 - E) The names of hazardous waste transporters; and
 - F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.
- b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:
- 1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
 - 2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;
 - 3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and
 - 4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads or in containment buildings. When accumulating hazardous waste generated

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from an episodic event in containers and tanks, the following conditions apply:

- A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:
- i) The words “Episodic Hazardous Waste”;
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with the USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date when the episodic event began, clearly visible for inspection on each container.
- B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 722.116(b)(3) and must do the following:
- i) Mark or label its tank with the words “Episodic Hazardous Waste”;
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm.

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Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and

iv) Keep inventory logs or records with the above information on site and available for inspection.

5) The SQG must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by 35 Ill. Adm. Code 720.110) within 60 calendar days from the start of the episodic event.

6) The SQG must maintain the following records for three years from the end date of the episodic event:

A) The beginning and end dates of the episodic event;

B) A description of the episodic event;

C) A description of the types and quantities of hazardous wastes generated during the event;

D) A description of how the hazardous waste was managed as well as the name of the designated facility (as defined by 35 Ill. Adm. Code 720.110) that received the hazardous waste;

E) The names of hazardous waste transporters; and

F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

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

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Section 722.333 Request to Manage One Additional Episodic Event Per Calendar Year

- a) After obtaining a provisional variance from the Agency, a generator may conduct a second episodic event not to exceed 60 days in a calendar year without impacting its generator category under the following conditions:
- 1) If a VSQG or SQG has already held a planned episodic event in a calendar year, the generator may conduct an additional unplanned episodic event in that calendar year. The generator must submit a written request for a provisional variance to the Agency within 72 hours after the unplanned event.
 - 2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year. The generator must obtain a provisional variance from the Agency before beginning the additional planned episodic event.
- b) The generator must submit the written request using USEPA Form 8700-12, identifying it as a request for an additional episodic request. The written request must include the following information:
- 1) The reasons why an additional episodic event is needed and the nature of the episodic event;
 - 2) The estimated amount of hazardous waste to be managed from the event;
 - 3) How the generator will manage the hazardous waste;
 - 4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event—not to exceed 60 days; and
 - 5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- c) The generator must submit the written request to the Agency either on paper or electronically.

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- d) The generator must retain written approval in its records for three years from the date the episodic event ended.
- e) If the Agency determines the following is true of the additional episodic event, the Agency must approve the request in writing:
- 1) The prior episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 2) The additional episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 3) The additional episodic event fulfills the criteria of subsection (a)(1) or subsection (a)(2);
 - 4) The generator is legitimately having episodic events, and the generator is using this Section for true episodic events and not as a way to regularly avoid managing hazardous waste at a higher generator category;
 - 5) The generator will comply with the applicable requirements of Section 722.332(a)(4) through (a)(7) or (b)(4) through (b)(6); and
 - 6) The generator will manage the hazardous waste in a way that no violation of the Act or Board regulations will occur.

BOARD NOTE: Any Agency determination made under this Section is not a "RCRA permit", as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705. A failure to obtain Agency approval as provided in this Section subjects the generator to higher generator category standards, and non-compliance may subject the generator to enforcement action.

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

SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY
PROCEDURES FOR LARGE QUANTITY GENERATORS

Section 722.350 Applicability

The regulations of this Subpart M apply to those areas of an LQG where hazardous waste is generated or accumulated on site.

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

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Section 722.351 Maintenance and Operation of Facility

An LQG must maintain and operate its facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

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

Section 722.352 Required Equipment

The LQG must equip all areas to which Section 722.350 deems this Subpart M applicable with the items in subsections (a) through (d) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this Section or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this Section). An LQG may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies. The LQG must have the appropriate of the following equipment:

- a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

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

Section 722.353 Testing and Maintenance of Equipment

The LQG must test and maintain all required communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment as necessary to assure their proper operation in time of emergency.

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

Section 722.354 Access to Communications or Alarm System

- a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 722.352.
- b) In the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 722.352.

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

Section 722.355 Required Aisle Space

The LQG must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

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

Section 722.356 Arrangements with Local Authorities

- a) The LQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. The LQG may make arrangements with the Local Emergency Planning Committee, if it is the appropriate organization with which to make arrangements.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

- 1) An LQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police

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department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

- 2) As part of this coordination, the LQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
- 3) Where more than one police or fire department might respond to an emergency, the LQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.
- b) The LQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that the LQG attempted to make these arrangements.
- c) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the State or facility's locality as far as needing to make arrangements with the local fire department, as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

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

Section 722.360 Purpose and Implementation of Contingency Plan

- a) An LQG must have a contingency plan for the facility. The LQG must design the contingency plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- b) The LQG must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

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

Section 722.361 Content of Contingency Plan

- a) The contingency plan must describe the actions required of facility personnel to comply with Sections 722.360 and 722.365 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112 or some other emergency or contingency plan, the generator needs only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this Part. The generator may develop one contingency plan that meets all regulatory standards.

BOARD NOTE: USEPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). The National Response Team published the Guidance at 61 Fed. Reg. 28642 (June 5, 1996).

- c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee, if applicable, pursuant to Section 722.356.
- d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see Section 722.364), and the generator must keep this list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. If the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor), as well as an emergency telephone number that will be answered at all times.
- e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. The generator must keep this list up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

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- f) The plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

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

Section 722.362 Copies of Contingency Plan

A copy of the contingency plan and all revisions to the plan must be maintained at the LQG facility, and the LQG must to the following:

- a) The LQG must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services). The generator may also submit this document to the Local Emergency Planning Committee, as appropriate.
- b) An LQG that first becomes subject to these provisions or an LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:
- 1) The types or names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid, etc.);
 - 2) The estimated maximum amount of each hazardous waste that may be present at any one time;
 - 3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;
 - 4) A map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes;
 - 5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

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- 6) The locations of water supply (e.g., fire hydrants and their flow rate);
 - 7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms, etc.); and
 - 8) The name of the emergency coordinators and 24/7 emergency telephone numbers or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.
- c) A generator must update its quick reference guides, if necessary, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee.

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

Section 722.363 Amendment of Contingency Plan

The generator must review its contingency plan and immediately amend the plan, if necessary, whenever any of the following occurs:

- a) Applicable regulations are revised;
- b) The plan fails in an emergency;
- c) The generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or which changes the response necessary in an emergency;
- d) The list of emergency coordinators changes; or
- e) The list of emergency equipment changes.

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

Section 722.364 Emergency Coordinator

At all times, at least one employee must be either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in Section 722.365. Although responsibilities may

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vary depending on factors such as type and variety of hazardous wastes handled by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

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

Section 722.365 Emergency Procedures

- a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately undertake the following actions:
 - 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - 2) Notify appropriate state or local agencies with designated response roles if their help is needed.

- b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

- c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions, etc.).

- d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator must report the findings as follows:
 - 1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

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- 2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
- A) The name and telephone number of the reporter;
 - B) The name and address of the generator;
 - C) The time and type of incident (e.g., release, fire, etc.);
 - D) The name and quantity of materials involved, to the extent known;
 - E) The extent of injuries, if any; and
 - F) The possible hazards to human health or the environment outside the facility.
- e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.
- f) If the generator stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements and conditions for exemption in 35 Ill. Adm. Code 722, 723, and 725.
- h) The emergency coordinator must ensure that the following is true in the affected areas of the facility:

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- 1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
 - 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the generator must submit a written report on the incident to the Agency. The report must include the following information:
- 1) The name, address, and telephone number of the generator;
 - 2) The date, time, and type of incident (e.g., fire, explosion, etc.);
 - 3) The name and quantity of materials involved;
 - 4) The extent of injuries, if any;
 - 5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - 6) The estimated quantity and disposition of recovered material that resulted from the incident.

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