

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 855 OPERATION OF THE HAZARDOUS WASTE FEE SYSTEM

SUBPART A: GENERAL PROVISIONS

Section 855.101 Applicability

- a) The regulations of this Part apply to owners and operators of:
 - 1) Hazardous waste disposal sites, including underground injection wells, located off the site where the waste is generated;
 - 2) Hazardous waste disposal sites, including underground injection wells, located on the site where the waste is generated; and
 - 3) Hazardous waste treatment sites which are located off the site where the waste is produced and are owned, controlled and operated by a person other than the generator of the waste.

- b) Fees are imposed upon the quantity of hazardous waste received at treatment sites and off-site disposal sites (not including underground injection wells), measured in either gallons or cubic yards; upon the quantity of hazardous waste disposed at on-site disposal sites (not including underground injection wells), measured in either gallons or cubic yards; and upon the quantity of hazardous waste injected into underground injection wells, measured in gallons per year.

Section 855.102 Definitions

The following definitions shall apply to this Part:

"Agency": *The Environmental Protection Agency established by the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111½, pars. 1001 et seq.).*

"Disposal": *The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.*

"Garbage": *Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.*

"Generator Number": The number assigned by the Division of Land Pollution Control of the Agency to a generator of special waste.

"Hazardous Hospital Waste": *Waste generated in connection with patient care that is contaminated with or may be contaminated with an infectious agent that has the potential of inducing an infection and has not been rendered innocuous by sterilization or incineration.*

"Industrial Process Waste": *Any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial process waste" includes, but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweeping, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.*

"Manifest": The form provided or prescribed by the Agency and used for identifying the name and quantity, and the origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage, as required by 35 Ill. Adm. Code 809, and by 35 Ill. Adm. Code 722.120 to 722.123.

"Municipal Waste": *Garbage, general household and commercial waste, landscape waste and construction or demolition debris.*

"Off-Site Hazardous Waste Disposal Site": A hazardous waste disposal site located off the site where such waste is produced.

"Off-Site Hazardous Waste Treatment Site": A hazardous waste treatment site which is located off the site where such waste is produced and is owned, controlled and operated by a person other than the generator of the waste.

"On-Site Hazardous Waste Disposal Site": A hazardous waste disposal site located on the site where such waste is produced.

"Pollution Control Waste": *Any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings.*

"Recycling, Reclamation or Reuse": *A method, technique, or process designed to remove any contaminant from waste so as to render such waste reusable.*

"Site": *Any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111½, pars. 1001 et seq.) or regulations thereunder.*

"Site Number": The number assigned by the Division of Land Pollution Control of the Agency to a waste management site.

"Special Waste": *Any industrial process waste, pollution control waste or hazardous waste.*

"Treatment": *Any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous, but shall not include recycling, reclamation or reuse.*

"Underground Injection": *The subsurface emplacement of fluids by well injection.*

"Vehicle Number": The number assigned by the Division of Land Pollution Control of the Agency to a vehicle which hauls special waste under a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809.

"Waste": Any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or a solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Clean Water Act or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C.A. 2011 et seq.) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. 1201 et seq.) or the rules and regulations thereunder or any law or rule or regulation adopted by the state of Illinois pursuant thereto.

"Well": A bored, drilled or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension.

Section 855.103 Exemptions from Hazardous Waste Fees

Section 22.6(b)(5) of the Environmental Protection Act (the Act) provides an exemption from the hazardous waste fee *for sludge from a publicly-owned sewage works generated in Illinois, coal mining wastes and refuse generated in Illinois, bottom boiler ash, flyash and flue gas desulphurization sludge from public utility electric generating facilities located in Illinois and bottom boiler ash and flyash from all incinerators which process solely municipal waste.* This exemption is the only exemption from the hazardous waste fee system. In addition, where a hazardous waste has been treated at a hazardous waste treatment site at which a hazardous waste fee has been paid, it shall not be subject to any other hazardous waste fee imposed by subsection 22.2(b) of the Act. All other hazardous waste, no matter what the source or quantity, is subject to the fee.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

Section 855.104 Existing Agency Manifest System

The Agency's Division of Land Pollution Control operates a manifest system which is relevant to the operation of the fee system. This system is established by 35 Ill. Adm. Code 809 for both hazardous and non-hazardous special wastes, and by 35 Ill. Adm. Code 722.120 to 722.123 for

hazardous wastes. It requires that each shipment of hazardous waste (as well as each shipment of non-hazardous special waste) into, out of or within the State of Illinois be accompanied by a manifest. This manifest must contain the authorization number (supplemental permit number, if such a permit is required); the name of the generator and generator number; the name of the hauler and vehicle number; the name of the disposal, treatment or storage site and site number; the quantity and generic name of the hazardous (or non-hazardous special) waste and the Hazardous Waste Identification Number as determined under 35 Ill. Adm. Code 721. It must also be signed by the generator, the hauler and the site operator. All parties and the Agency then receive copies of the completed manifest.

SUBPART B: PROCEEDINGS FOR COLLECTING FEES, KEEPING RECORDS AND SUBMITTING FEES AND RECORDS

855.201 Supplemental Permits

Where a supplemental permit for the disposal or treatment or injection of special waste is required under 35 Ill. Adm. Code 807.210, the Agency will determine if the waste is hazardous and subject to the fee imposed by Section 22.2 of the Act. Such determination shall be made in accordance with 35 Ill. Adm. Code 721. If the waste is hazardous and subject to the fee, the Agency will write the words, "Subject to Fee" on the supplemental permit. Copies of the supplemental permit will then be mailed to the generator and the site operator.

(Source: Amended at 12 Ill. Reg. 6094, effective March 22, 1988)

Section 855.202 Manifests for Hazardous Wastes

Upon receipt of a shipment of special waste accompanied by a manifest (35 Ill. Adm. Code 809.103), the site operator shall, by checking the applicable supplemental permit or letter of notification, determine if the waste is hazardous and subject to the fee. The site operator shall then segregate all manifests for hazardous wastes from the manifests accompanying all other special wastes received. Hazardous waste manifest information shall be entered upon the Daily Hazardous Waste Record pursuant to Section 855.204.

(Source: Amended at 26 Ill. Reg. 8137, effective May 15, 2002)

Section 855.203 Records

Every site operator shall keep a record of all hazardous waste received or disposed or injected at the site on forms provided by the Agency. On-site hazardous waste disposal sites, including underground injection wells, and hospitals, to the extent that they treat or dispose of on-site

hazardous hospital waste, shall keep a Quarterly Hazardous Waste Summary. All other hazardous waste sites under this Part shall keep the following documents:

- a) Daily Hazardous Waste Record;
- b) Monthly Hazardous Waste Summary;
- c) Quarterly Hazardous Waste Summary
- d) Supplemental Hazardous Waste Record; and
- e) Hazardous Waste Deposited Into A Monofill Quarterly Report.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

Section 855.204 Daily Hazardous Waste Record

- a) The Daily Hazardous Waste Record shall be maintained at the site and shall include the receipt record day, the date, the site number and the site name. This Record shall also list each hazardous waste stream received or injected on a given date. Such listing shall be by the supplemental permit number for the waste, if such a permit is required, or by individual waste stream, if a supplemental permit is not required, and shall include the following information:
 - 1) Supplemental permit number, or description of the waste stream if such a permit is not required;
 - 2) Manifest number, if required;
 - 3) Generator number, if applicable;
 - 4) Cubic Yards or Gallons Subject to Fee;
 - 5) Cubic Yards or Gallons Exempt Due to Maximum Fee Paid; and
 - 6) Whether the waste was treated or disposed.
- b) At the conclusion of each day's operations, the total quantity of waste subject to fee received in cubic yards, the total quantity of waste subject to fee received in gallons, the total quantity of cubic yards exempt due to maximum fee paid, and

the total quantity of gallons exempt due to maximum fee paid shall be calculated and entered on the Daily Hazardous Waste Record.

(Source: Amended at 26 Ill. Reg. 8137, effective May 15, 2002)

Section 855.205 Monthly Hazardous Waste Summary

The Monthly Hazardous Waste Summary shall include the site number, the site name and address and the month. This summary shall list the quantity of hazardous waste subject to the fee that is treated or disposed of in cubic yards or gallons for each day of the month, the quantity of hazardous waste exempt from fee due to maximum fee paid that is treated or disposed of in cubic yards or gallons for each day of the month, and the total quantity of hazardous waste treated or disposed of in cubic yards and in gallons for each day of the month. The daily quantities shall then be sub-totaled and totaled for the entire month. The Monthly Hazardous Waste Summary shall be maintained at the site and shall be submitted to the Agency with the applicable Quarterly Hazardous Waste Summary.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

Section 855.206 Quarterly Hazardous Waste Summary

Every site operator shall complete a Quarterly Hazardous Waste Summary, covering the three months of the preceding calendar quarter, on a form provided by the Agency. The Quarterly Summary shall include the site number, the site name and address, and the months in the quarter. The Quarterly Summary shall also include the total quantity of hazardous waste injected at underground injection wells, or received at other off-site hazardous waste disposal or treatment sites, or disposed at other on-site hazardous waste disposal sites, and the total amount of money to be paid.

(Source: Amended at 12 Ill. Reg. 6094, effective March 22, 1988)

Section 855.207 Supplemental Hazardous Waste Record

When an error is discovered in any of the records required to be kept under this Part which has resulted in an error in the amount reported on the Quarterly Hazardous Waste Summary as being due to the Hazardous Waste Fund, a Supplemental Hazardous Waste Record showing the relevant corrections shall be completed by the site operator and submitted to the Agency, together with an appropriate fee payment, where applicable. The Supplemental Hazardous Waste Record shall be received by the Agency no later than the seventh day following the discovery of the error. Errors not affecting the amount reported as due to the Hazardous Waste

Fund, including errors detected and corrected prior to submission of the applicable Quarterly Hazardous Waste Summary shall be noted on the next Quarterly Hazardous Waste Summary.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

Section 855.208 Retention of Records

Copies of all records required to be kept under this Part shall be retained by the site operator for three years and shall be made available at the normal business hours of the operator for inspection and photocopying by the Agency.

Section 855.209 Measurement and Conversion

The hazardous waste fee is levied in terms of cubic yards and gallons. However, hazardous waste is sometimes measured in other units. The site operator is responsible for accurately converting any waste stream into cubic yards or gallons.

Section 855.210 Quarterly Submission of Fees and Records

The Quarterly Hazardous Waste Summary, together with applicable Monthly Hazardous Waste Summaries and the appropriate fee payment for that quarter shall be received by the Agency no later than the fifteenth day of the month following the calendar quarter (i.e., April 15, July 15, October 15 and January 15). If the site operator is required under 35 Ill. Adm. Code 809 and/or 35 Ill. Adm. code 722.120 to 722.123, to send to the Agency copies of all hazardous waste manifests received during a given month, then such hazardous waste manifests shall not accompany the Quarterly Hazardous Waste Summary.

(Source: Amended at 26 Ill. Reg. 8137, effective May 15, 2002)

Section 855.211 Quarterly Submission of Money and Records (Repealed)

(Source: Repealed at 12 Ill. Reg. 6094, effective March 22, 1988)

Section 855.212 Manner of Payment

Payment shall be made by check or money order payable to the Illinois Environmental Protection Agency. Such payment, together with all documents required under Sections 855.210 or 855.207, as applicable, shall be mailed to the Agency at the following address:

Fiscal Services Section #2
Illinois Environmental Protection Agency

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276

(Source: Amended at 26 Ill. Reg. 8137, effective May 15, 2002)

Section 855.213 Annual Report Reconciliation

Each facility Annual Hazardous Waste Report submitted by the site operator to the Agency pursuant to 35 Ill. Adm. Code 724.175 or 725.175 shall include reconciliation of the data therein with the data reported to the Agency pursuant to this Part for the corresponding period. Such reconciliation shall include a detailed explanation of any discrepancy.

(Source: Added at 12 Ill. Reg. 6094, effective March 22, 1988)