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

PART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

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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 R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15520, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11429, effective August 27, 2025; amended in R25-23 at 49 Ill. Reg. 12726, effective September 23, 2025.

SUBPART A: GENERAL

Section 733.101 Scope

a) This Part establishes requirements for managing the following:

1) Batteries, as described in Section 733.102;

2) Pesticides, as described in Section 733.103;

3) Mercury-containing equipment, as described in Section 733.104;

4) Lamps, as described in Section 733.105;

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705 and 720 through 728.

c) Electronic Reporting. The filing of any document under any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h).

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.102 Applicability: Batteries

a) Batteries Covered under This Part

1) The requirements of this Part apply to persons managing batteries, as described in Section 733.109, except those listed in subsection (b).

2) Spent lead-acid batteries that are not managed under Subpart G of 35 Ill. Adm. Code 726, are subject to management under this Part.

b) Batteries Not Covered under This Part. The requirements of this Part do not apply to persons managing the following batteries:

1) Spent lead-acid batteries that are managed under Subpart G of 35 Ill. Adm. Code 726;

2) Batteries, as described in Section 733.109, that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c); or

3) Batteries, as described in Section 733.109, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) Generation of Waste Batteries

1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

2) An unused battery becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.103 Applicability: Pesticides

a) Pesticides Covered under This Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109, that meet the following conditions, except those listed in subsection (b):

1) Recalled pesticides, as follows:

A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or

B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or

2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

b) Pesticides Not Covered under This Part. The requirements of this Part do not apply to persons managing the following pesticides:

1) Recalled pesticides described in subsection (a)(1) and unused pesticide products described in subsection (a)(2) that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the

container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);

2) Pesticides not meeting the conditions set forth in subsection (a) must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728, except that aerosol cans, as defined in 35 Ill. Adm. Code 733.109, that contain pesticides may be managed as aerosol can universal waste under Section 733.113(e) or 733.133(e);

3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) or those that are not wastes as described in subsection (d); and

4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3)) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) When a Pesticide Becomes a Waste

1) A recalled pesticide described in subsection (a)(1) becomes a waste on the first date on which both of the following conditions apply:

A) The generator of the recalled pesticide agrees to participate in the recall; and

B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2) An unused pesticide product described in subsection (a)(2) becomes a waste on the date the generator decides to discard it.

d) Pesticides That Are Not Wastes. The following pesticides are not wastes:

1) Recalled pesticides described in subsection (a)(1), provided that either of the following conditions exist:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not

cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

2) Unused pesticide products described in subsection (a)(2), if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.104 Applicability: Mercury-Containing Equipment

a) Mercury-containing equipment covered under this Part. The requirements of this Part apply to persons managing mercury-containing equipment, as described in Section 733.109, except those listed in subsection (b).

b) Mercury-containing equipment not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing equipment:

1) Mercury-containing equipment that is not yet waste pursuant to 35 Ill. Adm. Code 721. Subsection (c) describes when mercury-containing equipment becomes waste;

2) Mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it is a waste (see subsection (b)(1)) and it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Equipment and devices from which the mercury-containing components have been removed.

c) Generation of Waste Mercury-Containing Equipment.

1) A used mercury-containing equipment becomes a waste on the date it is discarded.

2) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(Source: Amended at 40 Ill. Reg. 12268, effective August 9, 2016)

Section 733.105 Applicability: Lamps

a) Lamps Covered under This Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109, except those listed in subsection (b).

b) Lamps Not Covered under This Part. The requirements of this Part do not apply to persons that manage the following lamps:

1) Lamps that are not yet wastes under 35 Ill. Adm. Code 721, as provided in subsection (c); and

2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) Generation of Waste Lamps

1) A used lamp becomes a waste on the date it is discarded.

2) An unused lamp becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.106 Applicability: Aerosol Cans

a) Aerosol Cans Covered under This Part. The requirements of this Part apply to persons managing aerosol cans, as described in Section 733.109, except those listed in subsection (b).

b) Aerosol Cans Not Covered under This Part. The requirements of this Part do not apply to persons managing the following types of aerosol cans:

1) Aerosol Cans That Are Not Yet Waste under 35 Ill. Adm. Code 721. Subsection (c) describes when an aerosol can becomes a waste;

2) Aerosol Cans That Are Not Hazardous Waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or the aerosol can contains a substance that is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Aerosol cans that meet the standard for empty containers under 35 Ill. Adm. Code 721.107.

c) Generation of Waste Aerosol Cans

1) A used aerosol can becomes a waste when it is discarded.

2) An unused aerosol can becomes a waste when the handler decides to discard it.

(Source: Former Section 733.106 repealed at 31 Ill. Reg. 1352, effective December 20, 2006; new Section 733.106 added at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.107 Applicability: Paint and Paint-related Waste

a) Paint and Paint-related Waste Covered under This Part. The requirements of this Part apply to persons that manage paint and paint-related waste, as described in Section 733.109, except those listed in subsection (b).

b) Paint and Paint-related Waste Not Covered under This Part. The requirements of this Part do not apply to the following:

1) Paint or paint-related waste that has been mixed with solvents or other materials that alter the physical properties of the paint or paint-related waste.

2) Paint or paint-related waste that is not hazardous waste. Paint or paint-related waste is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

3) Paint and paint-related materials that are not regulated as a waste.

c) Generation of Paint and Paint-related Waste

1) Paint and paint-related waste becomes a waste on the date it is discarded.

2) Unused paint becomes a waste on the date the handler decides to discard it.

(Source: Section repealed at 22 Ill. Reg. 9874, effective June 20, 2000; new Section added at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.108 Applicability: Household and Very Small Quantity Generator Waste

a) A person that manages any of the wastes listed below may, at its option, manage the waste under the requirements of this Part.

1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1) and which are also of the same type as the universal wastes defined at Section 733.109; or

2) VSQG wastes that are exempt under 35 Ill. Adm. Code 722.114 and are also of the same type as the universal wastes defined at Section 733.109.

b) A person that commingles the wastes described in subsections (a)(1) and (a)(2) together with the same type of universal waste regulated under this Part must manage the commingled waste under the requirements of this Part.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.109 Definitions

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113 (a) and (c) and 733.133 (a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps,

aerosol cans, or paint and paint-related waste, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

"Paint-related waste" is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under FFDCA section 512(j) (21 U.S.C. 360b(j)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 U.S.C. 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or

contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug. " This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol cans, or paint and paint-related waste, calculated collectively) at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of Section 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Mercury-containing equipment, as described in Section 733.104;

Lamps, as described in Section 733.105;

Aerosol cans, as described in Section 733.106; and

Paint and paint-related waste, as described in Section 733.107.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates

universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Universal waste handler does not mean:

A person that treats (except under Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under Section 733.113(e) or 733.133(e)) universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.110 Applicability

This Subpart B applies to small quantity handlers of universal waste (as defined in Section 733.109).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.111 Prohibitions

A small quantity handler of universal waste is prohibited from the following acts:

a) Disposing of universal waste; and

b) Diluting or treating universal waste, except by responding to releases as provided in Section 733.117 or by managing specific wastes as provided in Section 733.113.

Section 733.112 Notification

A small quantity handler of universal waste is not required to notify the Agency of its universal waste handling activities.

Section 733.113 Waste Management

a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries; and

3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:

A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Universal Waste Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

   A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an eight-hour period;

   B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

      i) Name and address of the handler;

      ii) Estimated monthly amount of lamps crushed; and

      iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(3)(A);

   C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling, and transportation.

e) Universal Waste Aerosol Cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) A small quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container or overpacked with absorbents, or the small quantity handler must immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

A) Sorting aerosol cans by type;

B) Mixing intact cans in one container; and

C) Removing actuators to reduce the risk of accidental release; and

4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.

D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid waste regulations.

G) The small quantity handler must have a written procedure in place in the event of a spill or leak and must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

f) Universal Waste Paint and Paint-related waste. A small quantity handler of universal waste must manage universal waste paint and paint-related waste in a

way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The small quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.

2) The small quantity handler of universal waste must ensure that containers in which the universal waste paint and paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.

3) The small quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:

   A) Stop the release.

   B) Contain the released universal waste paint or paint-related waste.

   C) Clean up and manage the released universal waste paint or paint-related waste in compliance with Section 733.137, and other materials generated from the cleanup in compliance with the Act and Board regulations.

   D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of subsection (f)(1).

   E) Repair any leaking container to meet the requirements of subsection (f)(1) before returning it to service.

4) Ignitable universal waste paint or paint-related waste.

   A) Except for subsection (f)(4)(D), a small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

B) A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.

C) While handling ignitable universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.

D) A small quantity handler of universal waste at a retail site participating as a drop-off or collection site for universal waste paint or paint-related waste under an approved Paint Stewardship program plan is exempt from subsection (f)(4)(A).

5) A small quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.

6) A small quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored in a manner that minimizes the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

g) If a small quantity handler of universal waste paint or paint-related waste under an approved Paint Stewardship program plan receives a shipment containing hazardous waste that is not a universal waste at a retail collection/drop-off site, the handler must comply with the procedures specified in that plan instead of the procedures specified in Section 733.118(g).

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 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); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury-Containing Equipment", or "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any

one of the following phrases: "Universal Waste - Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each universal waste lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

f) A small quantity handler must clearly label or mark its universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste - Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.115 Accumulation Time Limits

a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) are met.

b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) A small quantity handler of universal waste that accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:

1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3) Maintaining an on-site inventory system that identifies the date each universal waste became a waste or was received;

4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.116 Employee Training

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the types of universal waste handled at the facility.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.117 Response to Releases

a) A small quantity handler of universal waste must immediately contain all releases of universal waste and other residues from universal waste.

b) A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the material resulting from the release and must manage it in compliance with 35 Ill. Adm. Code 722.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.118 Off-Site Shipments

a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

b) If a small quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D while transporting the universal waste.

c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a small quantity handler of universal waste must package, label, mark, and placard the shipment and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers—General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:

1) Receive the waste back when notified that the shipment has been rejected; or

2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

f) A small quantity handler of universal waste may reject a shipment containing universal waste or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:

1) Send the shipment back to the originating handler; or

2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal

shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 49 Ill. Reg. 12726, effective September 23, 2025)

Section 733.119 Tracking Universal Waste Shipments

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

Section 733.120 Exports

A small quantity handler of universal waste that sends universal waste to a foreign destination is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.130 Applicability

This Subpart C applies to large quantity handlers of universal waste (as defined in Section 733.109).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.131 Prohibitions

A large quantity handler of universal waste is prohibited from the following:

a) Disposing of universal waste; and

b) Diluting or treating universal waste, except by responding to releases, as provided in Section 733.137, or by managing specific wastes, as provided in Section 733.133.

Section 733.132 Notification

a) Written Notification of Universal Waste Management

1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.

2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and that has received a USEPA Identification Number is not required to renotify under this Section.

3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.

b) This notification must include the following:

1) The universal waste handler's name and mailing address;

2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

3) The address or physical location of the universal waste management activities;

4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, aerosol cans, or paint and paint-related waste); and

5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for notification. The generator or consolidation point must notify the Agency, either by submitting USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.133 Waste Management

a) Universal Waste Batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the

hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and

must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:

A) It removes the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Universal Waste Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A large quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

   A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;

   B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

      i) Name and address of the handler;

      ii) Estimated monthly amount of lamps crushed; and

      iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(3)(A);

   C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

e) Universal Waste Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

A) The large quantity handler may sort aerosol cans by type;

B) The large quantity handler may mix intact cans in one container; and

C) The large quantity handler may remove actuators to reduce the risk of accidental release; and

4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

D) The large quantity handler must immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The large quantity handler must conduct a hazardous waste determination on the contents of the emptied can, as required by 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 703, 705 and 720 through 728. The handler is the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the large quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, and local solid waste regulations.

G) The large quantity handler must have a written procedure in place in the event of a spill or release and a spill clean-up kit must be provided. The large quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

f) Universal Waste Paint and Paint-related waste. A large quantity handler of universal waste must manage universal waste paint and paint-related waste in a

way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The large quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste, and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.

2) The large quantity handler of universal waste must ensure that containers in which the universal waste paint or paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.

3) The large quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:

   A) Stop the release.

   B) Contain the released universal waste paint or paint-related waste.

   C) Clean up and properly manage the released universal waste paint or paint-related waste, and other materials generated from the cleanup.

   D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of subsection (f)(1).

   E) Repair any leaking container to meet the requirements of subsection (f)(1) before returning it to service.

4) Ignitable universal waste paint or paint-related waste.

   A) A large quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the large quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The large quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

B) A large quantity handler must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The large quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.

C) While handling universal waste paint or paint-related waste, the large quantity handler must confine smoking and open flames to specifically designated locations. The large quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.

5) A large quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.

6) A large quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", or "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste- -Pesticides" or "Waste - Pesticides".

c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required 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); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste - Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each Universal waste lamp or a container or package in which the lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the following phrases: "Universal Waste - Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.135 Accumulation Time Limits

a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) are met.

b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:

1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3) Maintaining an on-site inventory system that identifies the date the universal waste being accumulated became a waste or was received;

4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.136 Employee Training

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.137 Response to Releases

a) A large quantity handler of universal waste must immediately contain all releases of universal waste and other residues from universal waste.

b) A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the material resulting from the release, and is subject to 35 Ill. Adm. Code 722.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.138 Off-Site Shipments

a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

b) If a large quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D while transporting the universal waste.

c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers—General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:

1) Receive the waste back when notified that the shipment has been rejected; or

2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:

1) Send the shipment back to the originating handler; or

2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 49 Ill. Reg. 12726, effective September 23, 2025)

Section 733.139 Tracking Universal Waste Shipments

a) Receipt of Shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:

1) The name and address of the originating universal waste handler or foreign shipper from which the universal waste was sent;

2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing equipment, lamps, aerosol cans, or paint or paint-related waste);

3) The date of receipt of the shipment of universal waste.

b) Shipments Off-Site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste sent must include the following information:

1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;

2) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, mercury-containing equipment, lamps, aerosol cans, or paint or paint-related waste); and

3) The date the shipment of universal waste left the facility.

c) Record Retention

1) A large quantity handler of universal waste must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.

2) A large quantity handler of universal waste must retain the records described in subsection (b) for at least three years from the date a shipment of universal waste left the facility.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025))

Section 733.140 Exports

A large quantity handler of universal waste that sends universal waste to a foreign destination is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.150 Applicability

This Subpart D applies to universal waste transporters (as defined in Section 733.109).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.151 Prohibitions

a) A universal waste transporter is prohibited from the following:

1) Disposing of universal waste; and

2) Diluting or treating universal waste, except by responding to releases as provided in Section 733.154 or as provided in subsection (b).

b) Transporters of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

1) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;

2) The transporter must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

A) Name and address of the transporter;

B) Estimated monthly amount of lamps crushed; and

C) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (b)(1);

3) The transporter immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code

722.115, and has available equipment necessary to comply with this requirement;

4) The transporter ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

5) The transporter ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

6) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.152 Waste Management

a) A universal waste transporter must comply with all applicable USDOT regulations in 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers—General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b) for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in Section 720.111(b). For purposes of the USDOT regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of 35 Ill. Adm. Code 722. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the USDOT regulations.

b) Some universal waste materials are regulated by the USDOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2 (Hazardous Materials Classes and Index to Hazard Class Definitions), incorporated by reference in Section 720.111(b). As universal waste shipments do not require a manifest under 35 Ill. Adm. Code 722, they may not be described by the USDOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste".

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.153 Accumulation Time Limits

a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of Subpart B or C while storing the universal waste.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.154 Response to Releases

a) A universal waste transporter must immediately contain all releases of universal waste and other residues from universal wastes.

b) A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. If the waste is determined to be a hazardous waste, the transporter is subject to 35 Ill. Adm. Code 722.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.155 Off-site Shipments

a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

b) If the universal waste being shipped off-site meets USDOT's definition of hazardous material under 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in Section 720.111(b), the shipment must be properly described on a shipping paper in accordance with the applicable USDOT regulations 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).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.156 Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section 733.160 Applicability

a) The owner or operator of a destination facility (as defined in Section 733.109) is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705, 724 through 726, and 728, and the notification requirement under section 3010 of RCRA (42 USC 6930).

b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with 35 Ill. Adm. Code 721.106(c)(2).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.161 Off-Site Shipments

a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, it must contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must perform either of the following actions:

1) Send the shipment back to the original shipper; or

2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the Agency (Bureau of Land, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the shipper. The Agency will provide instructions for managing the hazardous waste.

d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or State solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 49 Ill. Reg. 12726, effective September 23, 2025)

Section 733.162 Tracking Universal Waste Shipments

a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:

1) The name and address of the universal waste handler, destination facility, or foreign shipper from which the universal waste was sent;

2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing equipment, lamps, aerosol cans, or paint or paint-related waste); and

3) The date of receipt of the shipment of universal waste.

b) The owner or operator of a destination facility must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

SUBPART F: IMPORT REQUIREMENTS

Section 733.170 Imports

Persons managing universal waste that is imported from a foreign country into the United States are subject to the requirements of Subpart H of 35 Ill. Adm. Code 722 and the applicable requirements of this Part immediately after the waste enters the United States, as indicated in subsections (a) through (c):

a) A universal waste transporter is subject to the universal waste transporter requirements of Subpart D.

b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Subpart B or C, as applicable.

c) An owner or operator of a destination facility is subject to the destination facility requirements of Subpart E.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section 733.180 General

a) Except as provided in subsection (d), any person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:

1) If USEPA has already added the waste or category of waste to federal 40 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and 22.4(a) of the Act, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code 720.120; or

2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act, 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

b) Petitions for Identical-In-Substance Rulemaking

1) Any petition for identical-in-substance rulemaking under subsection (a)(1) must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.

2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

c) Petitions for General Rulemaking

1) To be successful using the general rulemaking procedure under subsection (a)(2), the petitioner must demonstrate to the satisfaction of the Board that

each of the following would be true of regulation under the universal waste regulations of this Part:

A) It would be appropriate for the waste or category of waste;

B) It would improve management practices for the waste or category of waste; and

C) It would improve implementation of the hazardous waste program.

2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.

3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1).

d) Hazardous waste pharmaceuticals are regulated by Subpart P of 35 Ill. Adm. Code 726, and USEPA's rules prohibit adding them as a category of hazardous waste for management under this Part.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.181 Factors for Petitions to Include Other Wastes

a) Hazardous Waste Listing or Characteristics. The waste or category of waste, as generated by a wide variety of generators, is listed in Subpart D of 35 Ill. Adm. Code 721, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. (When a characteristic waste is added to the universal waste regulations of this Part by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 35 Ill. Adm. Code 720.110 and Section 733.109 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this Part;

b) Generation by a Wide Variety of Types of Facilities. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, VSQGs, small businesses, or government organizations, as well as large industrial facilities);

c) Generation by a Large Number of Generators. The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

d) Collection Systems to Ensure Close Stewardship. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

e) Waste Management Standards and Risk to Human Health and the Environment. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to Sections 733.113, 733.133, and 733.152; or applicable USDOT requirements) would be protective of human health and the environment during accumulation and transport;

f) Increased Likelihood of Diversion of Waste from Non-Hazardous Waste Management Systems. Regulation of the waste or category of waste pursuant to this Part will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer, or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA (42 USC 6921-6939e);

g) Improved Implementation of the Hazardous Waste Program. Regulation of the waste or category of waste pursuant to this Part will improve implementation of and compliance with the hazardous waste regulatory program; or

h) Such other factors as may be appropriate.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)