

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
722.121	Amendment
722.123	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete description of the subjects and issues involved: The amendments to Part 722 are a single segment of the docket R12-7 rulemaking that also affects 35 Ill. Adm. Code 720 and 728, which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R12-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of January 5, 2012, proposing amendments in docket R12-7, which opinion and order is available from the address below.

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Pollution Control Board

Specifically, the amendments to Part 722 implement segments of the federal amendments of June 22, 2011. The amendments revise the hazardous waste manifest printing requirements to allow the use of red or other contrasting color ink for copy distribution notations on the manifest form.

Tables appear in the Board's opinion and order of January 5, 2012 in docket R12-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 5, 2012 opinion and order in docket R12-7.

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

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 11) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R12-7 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R12-7:

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

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

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- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2011

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

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

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722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers
722.113 Electronic Reporting

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722.120 General Requirements
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Section

722.160 Imports of Hazardous Waste

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SUBPART H: TRANS-BOUNDARY SHIPMENTS OF
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722.302 Opting into the Subpart K Requirements
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722.304 Notice of Withdrawal from the Subpart K Requirements
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722.306 Container Standards in the Laboratory
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722.313 Laboratory Clean-Outs
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722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic
Entity

722.APPENDIX A Hazardous Waste Manifest

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

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

SUBPART B: THE MANIFEST

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

a) USEPA approval of manifest.

1) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of Resource Conservation and Recovery to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section.

2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

b) A registrant must submit an initial application to the USEPA Director of the Office of Resource Conservation and Recovery that contains the following information:

1) The name and mailing address of registrant;

2) The name, telephone number, and email address of contact person;

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

manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

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

d) Submission of document samples.

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

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

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

B) The paper weight of each copy;

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

D) The method of binding the copies.

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

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

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

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

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

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

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

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

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

A) Page 1 (top copy): "Designated facility to destination State (if required)."

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

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

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

E) Page 5: "Transporter's copy."

F) Page 6 (bottom copy): "Generator's initial copy."

7) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

A) Manifest Form 8700-22.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

B) Manifest Form 8700-22A.

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

g) Use of approved manifests.

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

A) A state agency;

B) A commercial printer;

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

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

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

h) Manifest revisions.

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

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

3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 262.21(e), as described in this subsection (e) of this Section, then the registrant must

submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.

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

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

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

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

m) Effects of non-compliance.

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

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

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

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 722.123 Use of the Manifest

- a) The generator shall do the following:
 - 1) Sign the manifest certification by hand;
 - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;
 - 3) Retain one copy, in accordance with Section 722.140(a); and
 - 4) Send one copy of the manifest to the Agency within two working days.
 - b) The generator must give the transporter the remaining copies of the manifest.
 - c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.
 - d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:
 - 1) The next non-rail transporter, if any;
 - 2) The designated receiving facility, if the waste is transported solely by rail; or
 - 3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.
- BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.
- e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.
 - f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:
 - 1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:

- A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
- B) Item 18c of the original manifest if the original manifest is used for the returned shipment;
- 2) The generator must provide a copy of the manifest to the transporter;
- 3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and
- 4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)
~~ILLINOIS REGISTER~~

JCAR350722-1201252r01

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Rendering set	Standard

Legend:	
<u>Insertion</u>	
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Padding cell	

Statistics:		
	Count	
Insertions		4
Deletions		14
Moved from		0
Moved to		0
Style change		0
Format changed		0
Total changes		18

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81 722.189 OECD Waste Lists

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

86

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89	722.301	Applicability
90	722.302	Opting into the Subpart K Requirements
91	722.303	Notice of Election into the Subpart K Requirements
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107
108 722.APPENDIX A Hazardous Waste Manifest

109
110 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
111 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

112
113 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
114 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
115 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,
116 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at
117 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,
118 effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987;
119 amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12
120 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective
121 December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;
122 amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at
123 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective
124 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in
125 R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg.
126 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,
127 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-
128 10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-
129 3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg.

130 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20,
131 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29
132 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138,
133 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective
134 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008;
135 amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-
136 2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
137 _____, effective _____.

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139 **SUBPART B: THE MANIFEST**

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

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143 a) USEPA approval of manifest.
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145 1) A registrant may not print the manifest or have the manifest printed for
146 use or distribution, unless it has received approval from the USEPA
147 Director of the Office of Resource Conservation and Recovery to do so
148 pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and
149 (e) of this Section.
- 150
151 2) The approved registrant is responsible for ensuring that the organizations
152 identified in its application are in compliance with the procedures of its
153 approved application and the requirements of 40 CFR 262.21, as described
154 in this Section. The registrant is responsible for assigning manifest
155 tracking numbers to its manifests.
- 156
157 b) A registrant must submit an initial application to the USEPA Director of the
158 Office of Resource Conservation and Recovery that contains the following
159 information:
- 160
161 1) The name and mailing address of registrant;
- 162
163 2) The name, telephone number, and email address of contact person;
- 164
165 3) A brief description of registrant's government or business activity;
- 166
167 4) The USEPA identification number of the registrant, if applicable;
- 168
169 5) A description of the scope of the operations that the registrant plans to
170 undertake in printing, distributing, and using its manifests, including the
171 following:
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- A) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;
 - B) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and
 - C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);
- 6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;

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- 7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and
 - 8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
- c) USEPA will review the application submitted under subsection (b) of this Section and either approve it or request additional information or modification before approving it.
- d) Submission of document samples.
- 1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) of this Section. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section.
 - 2) The registrant must submit a description of the manifest samples as follows:
 - A) The paper type (i.e., manufacturer and grade of the manifest paper);
 - B) The paper weight of each copy;
 - C) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and

259 D) The method of binding the copies.
260

261 3) The registrant need not submit samples of the continuation sheet if it will
262 print its continuation sheet using the same paper type, paper weight of
263 each copy, ink color of the instructions, and binding method as its
264 manifest form samples.
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266 e) USEPA will evaluate the forms and either approve the registrant to print them as
267 proposed or request additional information or modification to them before
268 approval. USEPA will notify the registrant of its decision by mail. The registrant
269 cannot use or distribute its forms until USEPA approves them. An approved
270 registrant must print the manifest and continuation sheet according to its
271 application approved by USEPA pursuant to 40 CFR 262.21(c), as described in
272 subsection (e) of this Section and the manifest specifications in 40 CFR 262.21(f),
273 as described in subsection (f) of this Section. It also must print the forms
274 according to the paper type, paper weight, ink color of the manifest instructions
275 and binding method of its approved forms.
276

277 f) Paper manifests and continuation sheets must be printed according to the
278 following specifications:
279

280 1) The manifest and continuation sheet must be printed with the exact format
281 and appearance as USEPA Forms 8700-22 and 8700-22A, respectively.
282 However, information required to complete the manifest may be
283 preprinted on the manifest form.
284

285 2) A unique manifest tracking number assigned in accordance with a
286 numbering system approved by USEPA must be pre-printed in Item 4 of
287 the manifest. The tracking number must consist of a unique three-letter
288 suffix following nine digits.
289

290 3) The manifest and continuation sheet must be printed on 8½ x 11-inch
291 white paper, excluding common stubs (e.g., top- or side-bound stubs).
292 The paper must be durable enough to withstand normal use.
293

294 4) The manifest and continuation sheet must be printed in black ink that can
295 be legibly photocopied, scanned, ~~or~~ faxed, except that the marginal
296 words indicating copy distribution must be printed with a distinct in red ink
297 color or with another method (e.g., white text against black background in
298 text box or black text against grey background in text box) that clearly
299 distinguishes the copy distribution notations from the other text and data
300 entries on the form.
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- 5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

 - 6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:
 - A) Page 1 (top copy): "Designated facility to destination State (if required)."
 - B) Page 2: "Designated facility to generator State (if required)."
 - C) Page 3: "Designated facility to generator."
 - D) Page 4: "Designated facility's copy."
 - E) Page 5: "Transporter's copy."
 - F) Page 6 (bottom copy): "Generator's initial copy."

 - 7) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.
 - A) Manifest Form 8700-22.
 - i) The "Instructions for Generators" on Copy 6;
 - ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and
 - iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
 - B) Manifest Form 8700-22A.

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

g) Use of approved manifests.

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

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

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

h) Manifest revisions.

1) If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of Resource Conservation and Recovery, along with an indication or

388 explanation of the update, as soon as practicable after the change occurs.
 389 The USEPA will either approve or deny the revision. If USEPA denies
 390 the revision, it will explain the reasons for the denial, and it will contact
 391 the registrant and request further modification before approval.
 392

393 2) If the registrant would like a new tracking number suffix, the registrant
 394 must submit a proposed suffix to the USEPA Director of the Office of
 395 Resource Conservation and Recovery, along with the reason for requesting
 396 it. USEPA will either approve the suffix or deny the suffix and provide an
 397 explanation why it is not acceptable.
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399 3) If a registrant would like to change the paper type, paper weight, ink color
 400 of the manifest instructions, or binding method of its manifest or
 401 continuation sheet subsequent to approval by USEPA pursuant to 40 CFR
 402 262.21(e), as described in this subsection (e) of this Section, then the
 403 registrant must submit three samples of the revised form for USEPA
 404 review and approval. If the approved registrant would like to use a new
 405 printer, the registrant must submit three manifest samples printed by the
 406 new printer, along with a brief description of the printer's qualifications to
 407 print the manifest. USEPA will evaluate the manifests and either approve
 408 the registrant to print the forms as proposed or request additional
 409 information or modification to them before approval. USEPA will notify
 410 the registrant of its decision by mail. The registrant cannot use or
 411 distribute its revised forms until USEPA approves them.
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413 i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as
 414 described in subsection (e) of this Section, a registrant typesets its manifest or
 415 continuation sheet instead of using the electronic file of the forms provided by
 416 USEPA, it must submit three samples of the manifest or continuation sheet to the
 417 registry for approval. USEPA will evaluate the manifests or continuation sheets
 418 and either approve the registrant to print them as proposed or request additional
 419 information or modification to them before approval. USEPA will notify the
 420 registrant of its decision by mail. The registrant cannot use or distribute its
 421 typeset forms until USEPA approves them.
 422

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

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

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

- m) Effects of non-compliance.
 - 1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:
 - A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or
 - B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.
 - 2) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 722.123 Use of the Manifest

- a) The generator shall do the following:
 - 1) Sign the manifest certification by hand;
 - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;

- 474 3) Retain one copy, in accordance with Section 722.140(a); and
475
476 4) Send one copy of the manifest to the Agency within two working days.
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478 b) The generator must give the transporter the remaining copies of the manifest.
479
480 c) For shipments of hazardous waste within the United States solely by water (bulk
481 shipments only), the generator must send three copies of the manifest dated and
482 signed in accordance with this Section to the owner or operator of the designated
483 receiving facility, if that facility is in the United States, or to the last water (bulk
484 shipment) transporter to handle the waste in the United States, if the waste is
485 exported by water. Copies of the manifest are not required for each transporter.
486
487 d) For rail shipments of hazardous waste within the United States that originate at
488 the site of generation, the generator must send at least three copies of the manifest
489 dated and signed in accordance with this Section to the following persons:
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491 1) The next non-rail transporter, if any;
492
493 2) The designated receiving facility, if the waste is transported solely by rail;
494 or
495
496 3) The last rail transporter to handle the waste in the United States, if the
497 waste is exported by rail.
498
499 BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or
500 water (bulk shipment) transporters.
501
502 e) For shipments of hazardous waste to a designated receiving facility in an
503 authorized state that has not yet obtained authorization to regulate that particular
504 waste as hazardous, the generator must assure that the designated receiving
505 facility agrees to sign and return the manifest to the generator, and that any out-
506 of-state transporter signs and forwards the manifest to the designated receiving
507 facility.
508
509 f) For rejected shipments of hazardous waste or container residues contained in non-
510 empty containers that the designated facility has returned to the generator
511 (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the
512 generator must do each of the following:
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514 1) The generator must sign the hazardous waste manifest (USEPA Form
515 8700-22) as follows:
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- A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - B) Item 18c of the original manifest if the original manifest is used for the returned shipment;
- 2) The generator must provide a copy of the manifest to the transporter;
- 3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and
- 4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)