



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

March 30, 2012

R 12-13

POLLUTION CONTROL BOARD
JOHN THERRIault ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

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CLERK'S OFFICE

APR 04 2012

STATE OF ILLINOIS
Pollution Control Board

Dear JOHN THERRIault ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 36, Issue 14 of the Illinois Register, dated 4/6/2012.

PROPOSED RULES

Nonhazardous Special Waste Hauling and the Uniform Program
35 Ill. Adm. Code 809
Point of Contact: Nancy Miller

5095

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Nonhazardous Special Waste Hauling and the Uniform Program
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
809.101	Amend
809.103	Amend
809.104	Amend
809.105	Amend
809.201	Amend
809.202	Amend
809.203	Amend
809.204	Amend
809.205	Amend
809.206	Amend
809.207	Amend
809.208	Amend
809.209	Amend
809.210	Amend
809.211	Amend
809.212	Amend
809.213	New
809.301	Amend
809.302	Amend
809.401	Amend
809.402	Amend
809.501	Amend
809.910	Repeal
809.911	Repeal
809.912	Repeal
809.913	Repeal
809.914	Repeal
809.915	Repeal
809.916	Repeal
809.917	Repeal
809.918	Repeal
809.919	Repeal
809.920	Repeal
809.921	Repeal
809.1001	New

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- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22, and 27].
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of March 15, 2012 in docket R12-13.

The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal intended to implement Public Act 97-220. The Agency states that, before 1998, it issued a single special waste hauler permit valid for haulers of both nonhazardous and hazardous special waste generated in or destined to an Illinois facility. Under the Uniform State Hazardous Materials Transportation Registration and Permit Program (Uniform Program) adopted in 1997, however, a hazardous waste transporter with its principal place of business in Illinois was required to register with and obtain a permit from the Illinois EPA.

Among its various provisions, Public Act 97-220 amended Sections 21 and 22.2(l) and (l-5) of the Environmental Protection Act (Act) to remove Illinois from the Uniform Program. The Agency stressed that special waste hauler permitting rules remain in effect, requiring all transporters of special waste (hazardous and nonhazardous) to obtain a special waste hauler permit prior to transporting waste from an Illinois generator or to an Illinois facility.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: In its original proposal, the Illinois Environmental Protection Agency did not list either a research report or a published study that it had used in developing this rule.
- 7) Will these proposed amendments replace an emergency rule currently in effect? No.
- 8) Do these amendments contain an automatic repeal date? No.
- 9) Do these proposed amendments contain incorporations by reference? Yes.

49 CFR 171 (2010)
49 CFR 172 (2010)
49 CFR 177 (2010)
49 CFR 178 (2010)
49 CFR 180 (2010)

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49 CFR 383 (2010)
49 CFR 387 (2010)
49 CFR 390-397 (2010)

- 10) Are there any other proposed amendments pending on this Part? No.
- 11) 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].
- 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 publication. Comments should refer to docket R12-13 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R12-13 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312-814-3629.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: In implementing Public Act 97-220, the proposed rules would affect any small business, small municipality, and not-for-profit corporation transporting special waste in or to an Illinois facility or generating special waste in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: Although the proposed amendments would require sources now subject to the Uniform Program to obtain a special waste hauler permit, the Agency stated that the special waste hauler permit application is simpler than the Uniform Program application. Testimony at hearing indicated that this transition would result in saving staff time and other resources.

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- C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by Uniform Program will be required.
- 14) Regulatory Agenda in which these amendments were summarized: The proposed rules intend to implement provisions of Public Act 97-220, which became effective July 28, 2011, and the Agency filed its rulemaking approximately 60 days later on October 28, 2011, both of which were after publication of the Board's July 2011 Regulatory Agenda.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809

~~NONHAZARDOUS SPECIAL WASTE HAULING AND THE UNIFORM PROGRAM~~

SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability
809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

SUBPART B: ~~NONHAZARDOUS~~ SPECIAL WASTE HAULING PERMITS

Section	
809.201	Nonhazardous Special Waste Hauling Permits-General
809.202	Applications for Nonhazardous Special Waste Hauling Permit-Contents
809.203	Applications for Nonhazardous Special Waste Hauling Permit-Signatures and Authorization
809.204	Applications for Nonhazardous Special Waste Hauling Permit-Filing and Final Action by the Agency
809.205	Nonhazardous Special Waste Hauling Permit Conditions
809.206	Nonhazardous Special Waste Hauling Permit Revision
809.207	Transfer of Nonhazardous Special Waste Hauling Permits
809.208	Nonhazardous -Special Waste Hauling Permit Revocation
809.209	Permit No Defense
809.210	General Exemption from Nonhazardous Special Waste Hauling Permit Requirements
809.211	Exemptions for Nonhazardous Special Waste Transporters
809.212	Duration of Nonhazardous Special Waste Hauling Permits
<u>809.213</u>	<u>Compliance with Federal Requirements</u>

SUBPART C: DELIVERY AND ACCEPTANCE

Section

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- 809.301 Requirements for Delivery of ~~Nonhazardous~~ Special Waste to Transporters
- 809.302 Requirements for Acceptance of ~~Nonhazardous~~ Special or Hazardous Waste from Transporters

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

- Section
809.401 Permit Availability
- 809.402 ~~Nonhazardous~~ Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

- Section
809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

- Section
809.601 Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

- Section
809.701 General Provision

SUBPART H: EFFECTIVE DATES

- Section
809.801 Compliance Date
- 809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

- Section
809.901 Definitions (Repealed)
- 809.902 Disposal Methods (Repealed)
- 809.903 Rendering Innocuous by Sterilization (Repealed)
- 809.904 Rendering Innocuous by Incineration (Repealed)

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- 809.905 Recordkeeping Requirements for Generators (Repealed)
809.906 Defense to Enforcement Action (Repealed)

SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED UNDER THE UNIFORM PROGRAM

Section

- 809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)
809.911 Application for a Uniform Permit (Repealed)
809.912 Application for Uniform Registration (Repealed)
809.913 Payment of Processing and Audit Fees (Repealed)
809.914 Payment of Apportioned Mile Fees (Repealed)
809.915 Submittal of Fees (Repealed)
809.916 Previously Permitted Transporters (Repealed)
809.917 Uniform Registration and Uniform Permit Conditions (Repealed)
809.918 Uniform Registration and Uniform Permit Revision (Repealed)
809.919 Transfer of Uniform Registration and Uniform Permits (Repealed)
809.920 Audits and Uniform Registration and Uniform Permit Revocation (Repealed)
809.921 Permit No Defense (Repealed)
809.1001 Transporters Previously Permitted Under Uniform Hazardous Waste Transportation Permit and Registration Program

809.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640; effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999;

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amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 at 34 Ill. Reg. 3310, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398, effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 809.101 Authority, Policy and Purposes

Pursuant to the authority contained in Sections 5, 10, 13, 21, 22, 22.01, and 22.2 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22, and 22.2], and consistent with the policy and purposes expressed in Section 20 [415 ILCS 5/20] thereof, the Board adopts this Part. This Part prescribes the procedures ~~for the Uniform Hazardous Materials Transportation and Registration Program~~ and for the issuance of permits to ~~nonhazardous~~ special waste transporters; for the inspection and numbering of vehicles; and for proper hauling of special wastes to approved disposal, storage and treatment sites. It is the purpose of this Part to control only wastes as defined herein.

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

Section 809.103 Definitions

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

~~"Base state" means the state in which a hazardous waste transporter must obtain a uniform registration, if required by the base state, and uniform permit.~~

"Board" means the Illinois Pollution Control Board.

"Btu" or "British thermal unit" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste or special waste into or on any land or water so that such waste or special waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. [415 ILCS 5/3.08](See "Waste", "Special Waste.")

"Garbage" ~~is~~ means the waste resulting from the handling, processing,

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preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce. [415 ILCS 5/3.200 ~~5/3.14~~](See "Waste.")

"Hazardous waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to agency guidelines consistent with the requirements of the Act and Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. [415 ILCS 5/3.220 ~~5/3.15~~]

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.15 of the Act.

"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.235 ~~5/3.17~~]

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

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Subtitle G, or by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or regulations thereunder.

"Nonhazardous special waste" means any special waste, as defined in this Section, that has not been identified, by characteristics or listing, as hazardous pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to Board regulations.

~~"Nonhazardous special waste hauling vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, used to transport nonhazardous special waste in bulk or packages, tanks, or other containers.~~

~~"Nonhazardous special waste transporter" means any person who transports nonhazardous special waste.~~

~~"Off-site" means any site that is not "on-site", as defined in this Section.~~

"On-site" means (for the purpose of transporting hazardous waste) on the same or geographically contiguous property under the control of the same person even if such contiguous property is divided by a public or private right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

~~"Participating state" means a state that has elected to participate in the uniform program and has entered into a reciprocal agreement.~~

"Permitted disposal site" means a sanitary landfill or other type of disposal site, including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for disposal.

"Permitted storage site" means any site used for the interim containment of special waste prior to disposal or treatment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for storage.

"Permitted treatment site" means any site used to change the physical, chemical or biological character or composition of any special waste, including but not

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limited to a processing center, a reclamation facility or a recycling center that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for treatment.

"Person" is means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee. [415 ILCS 5/3.315 5/3.26]

"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415 ILCS 5/3.335 5/3.27]

~~"Principal place of business" means the state in which a person owning vehicles used for transporting hazardous waste maintains its central records or majority of its records relating to the transportation of hazardous materials; or the state in which the person owning vehicles used for transporting hazardous waste has the plurality of its mileage.~~

~~"Reciprocal agreement" means an agreement between Illinois and another state to participate in the Uniform Program.~~

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Radiation Protection Act [420 ILCS 40] and Radioactive Waste Storage Act [420 ILCS 35]. (See "Waste.")

"Septic tank pumpings" means the liquid portions and sludge residues removed from septic tanks.

"Site" means any location, place, tract of land, and facilities, including but not

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limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations under the Act. [415 ILCS 5/3.460 5/3.43]

"Solid waste" (see "Waste.").

"Special waste" ~~means~~ means any of the following:

Potentially infectious medical waste;

Hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in 35 Ill. Adm. Code 722.111, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with Section 726.212 of Title 35 of the Illinois Administrative Code 35 Ill. Adm. Code 726 and proven to be nonhazardous;

Industrial process waste or pollution control waste, except:

Any such waste certified by its generator, pursuant to Section 22.48 of the Act, not to be any of the following:

A liquid, as determined using the paint filter test set forth in subdivision (3)(A) of subsection (m) of Section 35 Ill. Adm. Code 811.107 of Title 35 of the Illinois Administrative Code (m)(3)(a);

Regulated asbestos-containing waste materials, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR 61.141;

Polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR 761;

An industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of Section 35 Ill. Adm. Code 728.107 of Title 35 of the Illinois Administrative Code under the land disposal restrictions of Part 35 Ill. Adm. Code 728 of Title 35 of the Illinois Administrative Code ; and

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A waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Act;

Any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined using the paint filter test set forth in subdivision (3)(A) of subsection (m) of Section 35 Ill. Adm. Code 811.107 of Title 35 of the Illinois Administrative Code ~~(m)(3)(a)~~. "Empty portable device or container" means a device or container in which removal of special waste, except for a residue that shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or

*As may otherwise be determined under Section 22.9 of the Act.
[415 ILCS 5/3.475 ~~5/3.45~~]*

"Special waste hauling vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, used to transport special waste in bulk or packages, tanks, or other containers.

"Special waste transporter" means any person who transports special waste ~~(as defined in Section 3.45 of the Act)~~ from any location.

"Spill" means any accidental discharge of special waste.

"Storage" means the interim containment of special waste prior to disposal or treatment.

"Tank" means any bulk container placed on or carried by a vehicle to transport special waste, including wheel mounted tanks.

"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render

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that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. Such term "Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous special waste to render it less dangerous or nonhazardous. [415 ILCS 5/3.505 5/3.49] Treatment also includes reclamation, re-use and recycling of special waste.

"Truck" means any unitary vehicle used to transport special waste.

"Truck tractor" means any motor vehicle used to transport special waste that is designed and used for drawing other devices and not so constructed as to carry a load other than a part of the weight of the device and load so drawn.

~~"Uniform application" means the uniform registration and uniform permit application form established under the Uniform Program and provided by the Agency.~~

"Uniform permit" means the permit issued by a base state under Part II of the uniform application.

~~"Uniform Program" means the program established pursuant to the directive of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 USC 1 et seq.) and the Hazardous Materials Transportation Authorization Act of 1994 (49 USCS 5101 et seq.) and implemented pursuant to the Final Report: Uniform Program Pilot Project and the State Program Administrator's Manual, Uniform Program, Alliance for Uniform HazMat Transportation Procedures, incorporated by reference in Section 809.104.~~

"Uniform registration" means the annual registration issued by a base state under Part I of the uniform application, if the base state has a registration requirement.

~~"Vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, designed or used for the transportation of hazardous waste. [415 ILCS 5/22.2(1-5)(1)]~~

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community

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activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section ~~3.135~~ ~~3.94~~ of the Act, or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) (~~42-USA-2011 et seq.~~) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3.535 ~~5/3.53~~]

“Washwater”, as used in this Part, means a mixture of water, nonhazardous cleaning compounds, and residue that results from cleaning surfaces and equipment and ~~that~~ ~~that~~ is collected separately from sewage.

“Wastewater”, as used in this Part, means stormwater, surface water, groundwater or nonhazardous washwater that has been contaminated with used oil but has not been mixed with sewage, industrial waste or any other waste.

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

Section 809.104 Incorporations by Reference

The Board incorporates the following material by reference:

- a) CFR (Code of Federal Regulations). A copy is available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402 (202) 783-3238.

49 CFR 171	(1996)
49 CFR 172	(1996)
49 CFR 177	(1996)
49 CFR 178	(1996)
49 CFR 180	(1996)
49 CFR 383	(1996)
49 CFR 387	(1996)
49 CFR 390-397	(1996)

- b) ~~The Report of the Alliance for Uniform HazMat Transportation Procedures,~~

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~~November 17, 1993. A copy is available from the U.S. Department of Transportation, 400 Seventh Street, SW, Washington D.C. 20590.~~

- e) ~~The Final Report: Uniform Program Pilot Project, March 15, 1996. A copy is available from the U.S. Department of Transportation, 400 Seventh Street, SW, Washington D.C. 20590 or on the internet at <http://www.fhwa.dot.gov/ome/alliance.html>.~~
 - d) ~~State Program Administrator's Manual, Uniform Program, Alliance for Uniform HazMat Transportation Procedures, revised version, September 10, 1997. A copy is available from the National Governors' Association, 444 North Capitol Street, Suite 267, Washington D.C. 20001 or the National Conference of State Legislatures, Attn: Alliance Project Manager, 1560 Broadway, Suite 700, Denver CO 80202.~~
- b) e) This Section incorporates no later editions or amendments.

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

Section 809.105 Public Records

Information submitted to the Agency or Board pursuant to this Part will be withheld from or released to the public in accordance with the following:

- a) The Illinois Freedom of Information Act [5 ILCS 140];
- b) 35 Ill. Adm. Code 120; and
- c) Agency rules implementing the Illinois Freedom of Information Act (2 Ill. Adm. Code 1828).

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

SUBPART B: ~~NONHAZARDOUS~~ SPECIAL WASTE HAULING PERMITS

Section 809.201 ~~Nonhazardous~~ Special Waste Hauling Permits-General

No person may haul or otherwise transport any ~~nonhazardous~~-special waste generated within Illinois or any ~~nonhazardous~~-special waste to be disposed of, stored, or treated within Illinois without a current, valid ~~nonhazardous~~-special waste hauling permit issued by the Agency in

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accordance with the requirements of this Subpart unless the transporter ~~participates in the Uniform Program~~ or is exempt from the ~~nonhazardous~~ special waste hauling permit requirements under this Subpart. These regulations do not apply to on-site transportation of special waste by generators or by owners or operators of permitted special waste management facilities.

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

Section 809.202 Applications for ~~Nonhazardous~~ Special Waste Hauling Permit-Contents

Applications for ~~nonhazardous~~ special waste hauling permits shall be made on application forms prescribed or provided by the Agency, which, at a minimum, shall require the following information:

- a) Name, address, telephone number and location of the ~~nonhazardous~~ special waste hauling vehicle owner and operator applying for the permit;
- b) A description of the number and types of ~~nonhazardous~~ special waste hauling vehicles and tanks to be used;
- c) An agreement by the ~~nonhazardous~~ special waste hauling vehicle owner and the operator identified in Section 809.202(a) that:
 - 1) Special ~~Nonhazardous special~~ waste loading, hauling and unloading will be conducted in compliance with all applicable State and federal laws and regulations;
 - 2) All ~~nonhazardous~~ special waste hauling vehicles and tanks used in ~~nonhazardous~~ special waste hauling will be clean and in good repair at all times when so employed;
 - 3) All ~~nonhazardous~~ special waste hauling vehicles, tanks and associated piping, valving, etc., will be constructed and maintained to prevent leakage or spillage, and shall be cleanable;
 - 4) No waste may be mixed with other wastes in one tank or on one ~~nonhazardous~~ special waste hauling vehicle if such mixture results in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas or in violation of any applicable State or federal law or regulation;

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- 5) The ~~nonhazardous~~-special waste hauling equipment and procedures to be used shall be proper for the permitted service, be safe for the transporters, handlers, and others, and meet the requirements of all other applicable State and federal laws and regulations; and
- d) The application may require additional information deemed necessary by the Agency consistent with the requirements of the Act and Board regulations.

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

Section 809.203 Applications for ~~Nonhazardous~~-Special Waste Hauling Permit-Signatures and Authorization

All ~~nonhazardous~~-special waste hauling permit applications shall be signed by the owner and operator of the ~~nonhazardous~~-special waste hauling vehicle; or, in the name of the owner and operator, by the owner's or operator's duly authorized agent when accompanied by evidence of authority to sign the application.

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

Section 809.204 Applications for ~~Nonhazardous~~-Special Waste Hauling Permit-Filing and Final Action by the Agency

- a) An application for ~~nonhazardous~~-special waste hauling permit is considered filed on the date the Agency receives a properly completed application on the form prescribed or provided by the Agency and with correct fees.
- b) If the Agency fails to take final action (which includes granting or denying the ~~nonhazardous~~-special waste hauling permit as requested, or by granting the ~~nonhazardous~~ special waste hauling permit with conditions) within 90 days after the date the completed application is filed, the applicant may deem the ~~nonhazardous~~-special waste hauling permit granted for a period of one calendar year commencing on the 91st day after the application was filed.
- c) The Agency will send all denials by U.S. Registered or Certified Mail, Return Receipt Requested. All other final Agency decisions may go by regular U.S. Mail or electronic mail. The Agency will be deemed to have taken final action on the date that the notice of final action is mailed or sent. Within 35 days after the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.

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- d) The Agency will require the application to be complete. If incomplete, the application will be returned, and the transporter will be required to resubmit a complete application. The application must be consistent with the provisions of the Act and Board regulations. The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the permit.
- e) When an application is denied because it fails to comply with the Act or Board regulations, any fees submitted with the application will be non-refundable. Any subsequent re-filing of the application will be considered a new application for which an application fee must be included in accordance with Section 22.2 of the Act.
- f) When the Agency rejects an application because it is incomplete, any fees submitted will be non-refundable. The applicant can receive credit for the payment with a resubmitted application if the resubmittal is complete and returned to the Agency within 30 days after the initial date-stamped rejection.

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

Section 809.205 ~~Nonhazardous~~ Special Waste Hauling Permit Conditions

- a) In granting ~~nonhazardous~~ special waste hauling permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and the Board regulations.
- b) The applicant may deem any conditions imposed by the Agency as a denial of the ~~nonhazardous~~ special waste hauling permit for purposes of review pursuant to Section 40 of the Act.

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

Section 809.206 ~~Nonhazardous~~ Special Waste Hauling Permit Revision

A ~~nonhazardous~~ special waste hauling permit will be automatically modified to include any relevant change in the Act or Board regulations. The Agency will revise any ~~nonhazardous~~ special waste hauling permit issued by the Agency under this Part to make the permit compatible

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with any such relevant changes and so notify the permittee in writing. Failure of the Agency to issue a revised permit shall not excuse the permittee from compliance with any such change.

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

Section 809.207 Transfer of ~~Nonhazardous~~ Special Waste Hauling Permits

No ~~nonhazardous~~ special waste hauling permit is transferable from one person to another.

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

Section 809.208 ~~Nonhazardous~~ Special Waste Hauling Permit Revocation

Violation of any ~~nonhazardous~~-special waste hauling permit conditions or failure to comply with any provisions of the Act or with any Board regulation will be grounds for sanctions as provided in the Act, including revocation of the permit as provided in the Act.

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

Section 809.209 Permit No Defense

The existence of a ~~nonhazardous~~ special waste hauling permit under this Part does not provide the permittee with a defense to a violation of the Act or Board regulations, except for hauling ~~nonhazardous~~-special waste without a ~~nonhazardous~~ special waste hauling permit.

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

Section 809.210 General Exemption from ~~Nonhazardous~~ Special Hauling Permit Requirements

Any person who generates a total quantity of ~~nonhazardous~~ special waste 100 kilograms (220 pounds) or less in any calendar month for disposal, storage or treatment within Illinois is exempt from the permit requirements of this Subpart and from the manifest provisions in Subpart E of this Part. This exemption shall not constitute a defense to a violation of any provision of the Act or any applicable disposal, storage or treatment requirement of 35 Ill. Adm. Code 807.

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

Section 809.211 Exemptions for ~~Nonhazardous~~ Special Waste Transporters

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The following persons need not obtain a ~~nonhazardous~~ special waste hauling permit nor carry a manifest if they haul only the waste indicated:

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act [225 ILCS 225] and who hauls only septic tank pumpings.
- b) Any person who hauls only livestock waste intended for land application pursuant to 35 Ill. Adm. Code 560.
- c) Transporters of municipal water or wastewater treatment plant sludge that is to be applied to land and that is regulated under a sludge management scheme approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.
- d) Any person licensed in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer.
- e) Any person operating under rules and regulations adopted pursuant to the Illinois Oil and Gas Act [225 ILCS 725] and who hauls only oil and gas extraction wastes as defined in that Act.
- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act [420 ILCS 40].
- g) Any person who hauls only coal combustion fly ash.
- h) Any person who hauls only declassified waste or refuse.
- i) Any person who hauls only special waste exempted by 35 Ill. Adm. Code 808.123 (small quantity generators of 220 pounds or less per month of special waste).
- j) Any person who hauls potentially infectious medical waste that is regulated under 35 Ill. Adm. Code Subtitle M.
- k) Any person who hauls used tires regulated under 35 Ill. Adm. Code 848.

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

Section 809.212 Duration of ~~Nonhazardous~~ Special Waste Hauling Permits

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- a) All permits issued under this Part will be issued for a period not to exceed one year and are renewable.
- b) Applications for renewal of a ~~nonhazardous~~-special waste hauling permit should be made prior to the expiration date of the permit on the application forms prescribed in Section 809.302.

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

Section 809.213 Compliance with Federal Requirements

A hazardous waste transporter shall comply with all the provisions of 49 CFR 171, 172, 177, 178, 180, 383, 387, and 390-397, incorporated by reference in Section 809.104, if the hazardous waste is transported in Illinois.

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

SUBPART C: DELIVERY AND ACCEPTANCE

Section 809.301 Requirements for Delivery of ~~Nonhazardous~~-Special Waste to Transporters

No person may deliver any special waste generated within Illinois or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste transporter who holds a current ~~nonhazardous~~-special waste hauling permit ~~or Uniform Program Registration and Permit~~ issued by the Agency under Subpart B or C of this Part. The following are exceptions to this requirement:

- a) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
- b) The generator or transporter is not required to complete a manifest for the following used oil mixtures, provided that the generator complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - 1) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste,

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provided that the mixture contains more than 50 percent used oil by either volume or weight;

- 2) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000 prior to being mixed with the used oil, when:
 - A) the characteristic has been extinguished in the resultant mixture;
 - B) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
 - C) the mixture contains more than 50 percent used oil by either volume or weight;
- 3) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
- 4) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.

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

Section 809.302 Requirements for Acceptance of ~~Nonhazardous-Special or Hazardous~~ Waste from Transporters

- a) No person may accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter unless the special waste transporter has a valid ~~nonhazardous-special waste hauling permit or Uniform Program Registration and Permit~~ issued by the Agency under Subpart B ~~or J~~ of this Part and concurrently presents to the receiver of the special waste, or the receiver's agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste. The following are exceptions to this requirement:
 - 1) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm.

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- 2) The generator or transporter is not required to complete a manifest for the following used oil mixtures, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;
 - B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000 prior to being mixed with the used oil, when:
 - i) the characteristic has been extinguished in the resultant mixture;
 - ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
 - iii) the mixture contains more than 50 percent used oil by either volume or weight;
 - C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
 - D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.
- b) No person may deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the

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Act and Board regulations.

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

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section 809.401 Permit Availability

Upon issuance of a ~~nonhazardous~~ special waste hauling permit ~~or a Uniform Program registration and permit~~, the owner and operator of any such vehicle used to transport ~~nonhazardous special or hazardous~~ waste shall maintain within the vehicle a legible photocopy of the ~~nonhazardous~~-special waste hauling permit ~~or Uniform Program registration and permit~~. Upon request, issuance of the ~~nonhazardous~~-special waste hauling permit ~~or Uniform Program registration and permit~~ shall be disclosed by the owner and operator of the vehicle to any representative of the State of Illinois (including, but not limited to, the Agency), any generator of the special waste, or any treatment, storage, or disposal facility that has handled, is handling, or will handle the special waste. Upon request by such representative, the transporter shall make available a photocopy of the ~~nonhazardous~~-special waste hauling permit ~~or Uniform Program registration and permit~~ to the representative. The owner and operator of the vehicle shall also comply with any otherwise applicable federal regulations.

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

Section 809.402 Nonhazardous Special Waste Symbols

All vehicles used to transport special waste and packages used to contain special waste shall be labeled, marked and placarded in accordance with regulations adopted by the Illinois Department of Transportation or the United States Department of Transportation or the United States Environmental Protection Agency, whichever has jurisdiction.

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

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

- a) Any person who delivers special waste to a permitted ~~nonhazardous~~ special ~~or hazardous~~ waste transporter shall complete a uniform hazardous waste manifest to accompany the special waste from delivery to the destination of the special waste

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~~The manifest form will be provided or prescribed by the Agency.~~ The following are exceptions to this requirement:

- 1) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
- 2) The generator or transporter is not required to complete a manifest for the following used oil mixtures, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;
 - B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000 prior to being mixed with the used oil, when:
 - i) the characteristic has been extinguished in the resultant mixture;
 - ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
 - iii) the mixture contains more than 50 percent used oil by either volume or weight;
 - C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
 - D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.

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- b) The ~~generator transporter~~ shall include in the manifest the following:
- 1) The name of the generator of the special waste and generator number;
 - 2) Information stating when and where the special waste was generated;
 - 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
 - 4) The name and permit number of the transporter;
 - 5) The date of delivery; and
 - 6) The classification and quantity of the special waste delivered to the transporter.
- e) ~~Manifest copies to be sent to the Agency:~~
- 1) ~~Every person who delivers RCRA hazardous waste or polychlorinated biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois manifest to the Agency within two days after the shipment. Every person who accepts RCRA hazardous waste or PCB waste from a transporter shall submit a copy of the Illinois manifest to the Agency within 30 days after receipt.~~
 - 2) ~~A person who delivers RCRA hazardous waste or PCB wastes to a transporter on another state's manifest, such as where the destination state requires use of its manifest, does not have to submit manifest copies to the Agency.~~
 - 3) ~~A person who delivers non-RCRA hazardous wastes or non-PCB wastes to a transporter does not have to send a copy of the manifest to the Agency. A person who accepts non-RCRA hazardous waste or non-PCB wastes from a transporter does not have to send a copy of the manifest to the Agency.~~
- c) ~~d)~~ The manifest will consist of forms as prescribed by US EPA for the Uniform Hazardous Waste Manifest and will be distributed in accordance with those requirements. ~~at least four parts, in contrasting colors, such that an entry or~~

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~~signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste transporter, acknowledging the delivery. The top part of the manifest shall also be signed by the special waste transporter, acknowledging receipt of the special waste.~~ The person who delivers special waste to a special waste transporter shall retain the designated parts of the manifest as a record. The remaining parts of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

- d) e) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste transporter shall be conducted under a manifest initiated by the permitted disposal, storage or treatment site.
- e) f) In all cases, the special waste transporter shall deliver the designated parts of the complete, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter shall retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site ~~that~~ who accepts special waste from a special waste transporter shall send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.
- f) g) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter shall retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts shall be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.

BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection. ~~Generators and receiving facilities subject to those Parts shall continue to supply designated copies of all manifests to the Agency.~~

- h) ~~Every generator who delivers nonhazardous special waste via a transporter to a~~

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~~facility located outside Illinois shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports shall, at a minimum, include the information specified in subsection (i) of this Section and should be received by the Agency no later than February 1.~~

- i) ~~Every annual report required to be filed with the Agency by a generator for waste going out of state pursuant to subsection (h) of this Section shall include the following:~~
- ~~1) The IEPA identification number, name and address of the generator;~~
 - ~~2) The period (calendar year) covered by the report;~~
 - ~~3) The IEPA identification number, name and address for each off-site treatment, storage or disposal facility to which waste was shipped during the period;~~
 - ~~4) The name and IEPA special waste hauling number of each transporter used during the period for shipments to a treatment, storage or disposal facility;~~
 - ~~5) A description and the total quantity of each nonhazardous special waste shipped out of state, listed by IEPA identification number of each receiving site;~~
 - ~~6) The method of treatment, storage or disposal for each nonhazardous special waste; and~~
 - ~~7) A certification signed by the generator or the generator's authorized representative.~~
- g) j) Every in-State facility that accepts nonhazardous-special waste from a ~~nonhazardous~~ special waste transporter shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports should, at a minimum, include the information specified in subsection ~~(h)~~ ~~(k)~~ of this Section and be received by the Agency no later than February 1. This subsection is applicable to all nonhazardous special wastes that are delivered to a ~~nonhazardous~~ special waste transporter on or after January 1, 1991.

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- h) k) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a ~~nonhazardous~~ special waste transporter pursuant to subsection ~~(g)~~ (j) of this Section shall include the following information:
- 1) The IEPA identification number, name and address of the facility;
 - 2) The period (calendar year) covered by the report;
 - 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
 - 4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information shall be listed by IEPA identification number of each generator;
 - 5) The method of treatment, storage or disposal for each nonhazardous special waste; and
 - 6) A certification signed by the owner or operator of the facility or the owner's or operator's authorized representative.

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

SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED UNDER THE UNIFORM PROGRAM

Section 809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)

- a) ~~Beginning July 1, 1998, no person may transport offsite any hazardous waste (or mixture of hazardous and nonhazardous waste) into, through, or within Illinois, without registering and obtaining a permit under the Uniform Program, or in violation of any permit condition for any permit required under this subsection and issued by the Agency or by any participating state.~~
- 1) ~~A transporter with its principal place of business in Illinois shall obtain a uniform registration and a uniform permit from the Agency.~~

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- 2) ~~A transporter with its principal place of business in another state shall designate another participating state in the Uniform Program as its base state and shall obtain a uniform registration from the base state, if the base state requires registration, and shall obtain a uniform permit from the base state before transporting hazardous waste in Illinois.~~
- b) ~~Small quantity generators of 100 kilograms (220 pounds) or less per month are exempt from the uniform registration and uniform permit requirements of this Part, except generators of acute hazardous waste as specified in 35 Ill. Adm. Code 721.105(e).~~
- e) ~~A hazardous waste transporter shall comply with all the provisions of 49 CFR 171, 172, 177, 178, 180, 383, 387, and 390-397, incorporated by reference in Section 809.104, if the hazardous waste is transported in Illinois.~~

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

Section 809.911 Application for a Uniform Permit (Repealed)

- a) ~~Hazardous waste transporters whose base state is Illinois shall obtain a uniform permit from the Agency by completing Part II of the uniform application, provided by the Agency. The application form, provided by the Agency, will be identical in scope, coverage, and content to the uniform procedures and forms required by the Uniform Program. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the uniform permit.~~
- b) ~~The following procedures apply to the submittal of an application for a uniform permit:~~
- 1) ~~An application for a uniform permit is considered filed when the Agency receives a completed application on the form provided by the Agency and with the correct fee, set forth in Sections 809.913 and 809.915.~~
- 2) ~~A completed application must include all information required in Part II of the uniform application.~~
- 3) ~~The Agency will notify the transporter in writing within 90 days after receipt of the application if the application is incomplete. If incomplete, the application will not be reviewed, and a copy of it will be returned to~~

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~~the transporter with instructions for resubmittal.~~

- 4) ~~If the Agency is unable to take final action (which includes granting or denying the uniform permit as requested, or by granting the uniform permit with conditions) within 90 days after the date the completed application is filed, the Agency will issue a Letter of Filing to the applicant. Letters of Filing will include the following:~~
 - A) ~~A statement indicating that the applicant is in compliance with the application requirements of the Uniform Program;~~
 - B) ~~A statement that law enforcement officials in all participating jurisdictions shall honor Letters of Filing as temporary evidence of compliance with the Uniform Program; and~~
 - C) ~~An expiration date 180 days from the date the Letter of Filing is issued.~~
- e) ~~The uniform permit will be valid for a period of three years unless:~~
 - 1) ~~a transporter fails to renew its annual uniform registration; or~~
 - 2) ~~there is a change in the transporter's operations during the permitting period (i.e., a transporter with a Part I uniform permit begins transporting hazardous waste in a state that requires a Part III disclosure).~~
- d) ~~If the transporter's operations change during the permitting period, the transporter shall submit a new uniform permit application (Part II) detailing the changes. The Agency will review the changes in accordance with the criteria and procedures outlined in the Alliance for Uniform HazMat Transportation Procedures, incorporated by reference in Section 809.104(d), for evaluation of the application.~~
- e) ~~The Agency will send all denial notices and applications granted with conditions by U.S. Registered or Certified Mail, return receipt requested. All other final notices may be sent by regular U.S. Mail. The Agency will be deemed to have~~

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~~taken final action on the date that the notice of final action is mailed. Within 35 days after the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.~~

- f) ~~The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application.~~

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

Section 809.912 Application for Uniform Registration (Repealed)

- a) ~~Hazardous waste transporters whose base state is Illinois shall obtain a uniform registration from the Agency by completing Part I of the uniform application, provided by the Agency, during the first year of each three-year permitting period. A hazardous waste transporter whose base state is Illinois shall renew the uniform registration from the Agency by completing Parts I and IV of the uniform application, provided by the Agency, during the second and third years. The application form will be identical in scope, coverage, and content to the uniform procedures and forms required by the Uniform Program. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the uniform registration.~~
- b) The following procedures apply to the submittal of an application for a uniform registration:
- 1) ~~An application for uniform registration is considered filed when the Agency receives a completed application on the forms provided by the Agency and with the correct fees, set forth in Sections 809.914 and 809.915.~~
 - 2) ~~A completed application must include all information required in Part I of the uniform application during the first year and all information required in Parts I and IV during the second and third years.~~
 - 3) ~~The Agency will notify the transporter in writing within 90 days after receipt of the application if the application is incomplete. If incomplete, the application will not be reviewed, and a copy of it will be returned to the transporter with instructions for resubmittal.~~

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- 4) ~~If the Agency is unable to take final action (which includes granting or denying the uniform registration as requested, or by granting the uniform registration with conditions) within 90 days after the date the completed application is filed, the Agency will issue a Letter of Filing to the applicant. Letters of Filing will include the following:~~
- A) ~~A statement indicating that the applicant is in compliance with the application requirements of the Uniform Program;~~
 - B) ~~A statement that law enforcement officials in all participating jurisdictions shall honor Letters of Filing as temporary evidence of compliance with the Uniform Program; and~~
 - C) ~~An expiration date 180 days from the date the Letter of Filing is issued.~~
- 5) ~~On or before the expiration of any Letter of Filing the Agency will take final action on the completed application or the applicant may deem the uniform registration granted for the one year registration period, commencing on the day the completed application was filed with the Agency.~~
- e) ~~The uniform registration is valid for a period of one year and must be renewed annually.~~
- d) ~~The Agency will send all denials and applications granted with conditions by U.S. Registered or Certified Mail, return receipt requested. All other final Agency decisions may be sent by regular U.S. mail. The Agency will be deemed to have taken final action on the date that the notice of final action is mailed. Within 35 days after the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.~~
- e) ~~The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application.~~

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

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Section 809.913 Payment of Processing and Audit Fees (Repealed)

~~Beginning July 1, 1998, and annually thereafter, each transporter designating Illinois as its base state must pay a \$250 processing and audit fee for administering the uniform registration and permit program as set forth in Section 22.2 of the Act.~~

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

Section 809.914 Payment of Apportioned Mile Fees (Repealed)

- a) ~~Beginning July 1, 1998, and annually thereafter, all transporters whose base state is Illinois shall pay registration fees to the Agency for apportioned miles for all states that are participating in the uniform registration program and in which the transporter hauls hazardous waste. The Agency shall transmit to other participating states the registration fees collected each calendar quarter on behalf of the other participating states within 30 days after the last day of the calendar quarter. A transmittal report will accompany each payment and will summarize the fees collected and list the transporters from which the fees were collected. The level of hazardous material transportation activity within a state should be calculated using the instruction in the uniform application and should be based on two factors:~~
- ~~1) The percentage of mileage in the state; and~~
 - ~~2) The percentage of the transporter's total activity that involves the transport of hazardous wastes.~~
- b) ~~For Illinois, the registration fee should be calculated by multiplying the percentage of Illinois transportation by the percentage of hazardous waste transportation multiplied by the total number of vehicles the transporter operates multiplied by the \$20 registration fee set forth in Section 22.2 of the Act.~~
- c) ~~A transporter should determine its percentage of Illinois transportation by dividing the number of miles it traveled in Illinois during the previous year by the number of miles it traveled nationwide during the previous year. If a transporter operates only in Illinois, it should use 100 percent of the miles traveled as its percentage of Illinois transportation. A transporter may separately calculate fees payable for each fleet the transporter operates.~~
- d) ~~A transporter shall determine its percentage of hazardous waste transportation by~~

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~~using a method based on general percentage ranges. A transporter shall determine its percentage of hazardous waste transportation as follows:~~

- ~~1) For less than truckload shipments, the transporter should divide the weight of the transporter's hazardous waste shipments transported during the previous year by the total weight of all shipments transported during the previous year.~~
- ~~2) For the truckload shipments, the transporter should divide the number of shipments transported during the previous year for which placarding, marking, or manifesting was required by the Code of Federal Regulations, Title 49, Part 172, by the total number of all shipments transported during the previous year.~~
- ~~3) A transporter that transports both truckload and less than truckload shipments of hazardous waste should determine its percentage of hazardous waste transportation by calculating the percentage of business that is hazardous waste transportation on a proportional basis with the percentage of business that is not hazardous waste transportation.~~
- ~~4) A transporter may use data from its most recent complete fiscal year or the most recent complete calendar year in calculating the percentages required in this Subpart for transportation conducted during the previous year. If the applicant elects to change the reporting year in a subsequent application, the applicant must inform the Agency of its intention in writing.~~

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

Section 809.915 Submittal of Fees (Repealed)

~~Any person who submits an application for a uniform registration and uniform permit to the Agency must determine the total fees owed in accordance with the instructions in the Final Report: Uniform Program Pilot Project, incorporated by reference in Section 809.104, the Act, and Sections 809.913 and 809.914 of this Part.~~

- ~~a) The transporter must attach or enclose with the application a certified check, cashier's check or money order payable to the Treasurer, State of Illinois in the appropriate amount.~~

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- b) ~~When an application is denied, any fees submitted with the application will be non-refundable. Any subsequent re-filing of the application will be included in accordance with subsection (a) of this Section.~~
- e) ~~When the Agency rejects an application because it is incomplete, any fees submitted will be non-refundable. The applicant can receive credit for the payment with a resubmitted application if the resubmittal is complete and returned to the Agency within 30 days after the initial date stamped rejection.~~

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

Section 809.916 Previously Permitted Transporters (Repealed)

- a) ~~From July 1, 1998 until June 30, 1999, a transporter who previously obtained an Illinois Special Waste Transporter Permit is not required to obtain a uniform permit or uniform registration under this Subpart for the transportation of hazardous waste in Illinois until the transporter's special waste permit expires.~~
- b) ~~Transporters with permits expiring July 1, 1998 through June 30, 1999, and whose base state is Illinois shall submit uniform registration and permit applications to the Agency and should apply 90 days in advance of the expiration date of their current permit. If the Agency cannot timely review the uniform registration and permit applications within 90 days, the current Illinois Special Waste Transportation permit will be extended by operation of law for 30 days, or until the Agency takes final action on its applications, whichever occurs first. However, if the transporter fails to submit its new uniform registration and uniform permit application 90 days in advance of the expiration of the current permit, the current Illinois Special waste Transporter permit will expire on the expiration date indicated in the permit.~~
- e) ~~Beginning July 1, 1998, all Uniform Program permits issued by other states that have not expired or been revoked will be acceptable for the transportation of hazardous waste in Illinois.~~

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

Section 809.917 Uniform Registration and Uniform Permit Conditions (Repealed)

- a) ~~When reviewing uniform registrations or uniform permits, the Agency may impose such conditions as are necessary to satisfy the requirements of the~~

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~~Uniform Program set forth in this Part.~~

- b) ~~The applicant may deem any conditions imposed by the Agency as a denial of the uniform registration or uniform permit for purposes of review pursuant to Section 40 of the Act.~~

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

Section 809.918 Uniform Registration and Uniform Permit Revision (Repealed)

~~Changes to the uniform registration or uniform permit, or the applications, issued pursuant to this Part can only be made by the U.S. Secretary of Transportation or other entity authorized pursuant to federal law. The Agency will revise any uniform registration and uniform permit issued under this Part to conform with any such changes and notify the permittee in writing. Failure of the Agency to issue a revised uniform registration or uniform permit is not a defense to a violation of any changed permit condition.~~

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

Section 809.919 Transfer of Uniform Registration and Uniform Permits (Repealed)

~~No uniform registration and permit is transferable from one person to another.~~

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

Section 809.920 Audits and Uniform Registration and Uniform Permit Revocation (Repealed)

~~The Agency will conduct audits to ensure that the transporter is accurately reporting its hazardous waste transportation activity. If a transporter violates any of the uniform permit conditions or fails to comply with any provisions of the Act or with any Board regulation, sanctions may be imposed as provided in the Act, including revocation of the uniform permit and uniform registration. As part of the audit process the Agency is authorized, within constitutional limitations, to do the following:~~

- a) ~~Require transporters to allow Agency representatives to inspect or examine any commercial vehicle or facility operated by a transporter who transports hazardous waste in this State;~~
- b) ~~Require transporters to produce papers, books, records, documents, or other~~

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~~evidentiary material necessary to determine if a transporter is accurately reporting its hazardous waste transportation operations and is otherwise complying with the Uniform Program; and~~

- e) ~~Require transporters to allow Agency representatives to conduct investigations and audits necessary to determine if a transporter is entitled to a uniform permit or to make a suspension or revocation determination.~~

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

Section 809.921 Permit No Defense (Repealed)

~~The existence of a uniform permit or uniform registration under this Part does not provide the permittee with a defense to a violation of the Act or Board regulations, except for hauling hazardous waste without a uniform permit or uniform registration.~~

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

Section 809.1001 Transporters Previously Permitted Under Uniform Hazardous Waste Transportation Permit and Registration Program

A transporter who previously obtained a Uniform Permit is not required to obtain a special waste hauler permit for the transportation of special waste in Illinois until the transporter's Uniform registration expires.

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