

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

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722.112	Repealed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722.134	Repealed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722.150	Repealed
722.151	Repealed
722.152	Repealed
722.153	Repealed
722.154	Repealed
722.155	Repealed
722.156	Repealed
722.157	Repealed
722.158	Repealed
722.160	Repealed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

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STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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722.185	Repealed
722.186	Repealed
722.187	Repealed
722.189	Repealed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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 720, 721, 723 through 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 722, 723, and 726 through 728. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking updates the Illinois hazardous waste, underground injection control (UIC), and Municipal Solid Waste Landfill (MSWLF) rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during calendar years 2016 and 2017, embracing two update periods: July 1, 2016 through December 31, 2016 and July 1, 2017 through December 31, 2017. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board finds necessary. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

The following briefly summarizes the federal actions in the update periods:

November 28, 2016 (81 Fed. Reg. 85696): USEPA revised requirements for importing and exporting hazardous waste. USEPA amended 40 C.F.R. 260 through 267, 271, and 273. USEPA intended greater protection of human health and the environment, greater consistency with current requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD), and implementation of electronic submittal of import- and export-related documents into an Automated Export System.

November 28, 2016 (81 Fed. Reg. 85732): USEPA adopted the GIR, which extensively revised requirements for generators hazardous waste. USEPA revised rules in all parts of the hazardous waste rules: 40 C.F.R. 260 through 268, 270, 271, 273, and 279. The GIR also included revisions to RCRA Subtitle D rules in 40 C.F.R. 257 and 258. The federal MSWLF rules are codified in 40 C.F.R. 258. USEPA intended that reorganization of the hazardous waste generator requirements would make them more user-friendly and address gaps in the rules to make them more effective and protective of human health and the environment. USEPA also corrected inadvertent errors and remove obsolete provisions.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

August 29, 2017 (82 Fed. Reg. 41015): USEPA established the Automated Export System (AES) filing compliance date, a critical implementation date for electronic reporting hazardous waste exports. As of December 31, 2017, exporters of manifested hazardous waste, exporters of universal waste, exporters of spent lead-acid batteries for recycling or disposal, and exporters of cathode ray tubes (CRTs) for recycling were to report using the AES for export shipments. After the AES filing compliance date, the use of paper reporting was no longer permissible for these exports.

December 26, 2017 (82 Fed. Reg. 60894): USEPA further revised the rules for imports and exports of hazardous waste. No person can assert a confidential business information (CBI) claim for documents relating to import, export, and transit of hazardous waste and those specific to export of excluded CRTs.

Specifically, the amendments to Part 722 incorporate elements of the Generator Improvements Rule, the Hazardous Waste Import-Export Revisions, and the bar on claims of confidentiality for documents relating to hazardous waste exports. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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 consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

Don A. Brown, 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 consolidated docket R17-14/R17-15/R18-11/R18-31:

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

312/814-6924
email: michael.mccambridge@illinois.gov

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>.

- 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 disposing of industrial wastewaters

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

into the sewage collection system of a publicly owned treatment works. 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)].

- 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. 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)].
- 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. 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)].
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018`

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

SUBPART A: GENERAL

Section

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

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY ~~GENERATORS~~GENERATORS

Section

- 722.120 General Requirements
- 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
- 722.122 Number of Copies
- 722.123 Use of the Manifest
- 722.124 Use of the Electronic Manifest
- 722.125 Electronic Manifest Signatures
- 722.127 Waste Minimization Certification

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

Section

- 722.130 Packaging
- 722.131 Labeling
- 722.132 Marking
- 722.133 Placarding
- 722.134 Accumulation Time (Repealed)
- 722.135 Liquids in Landfills Prohibition

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

Section

- 722.140 Recordkeeping
- 722.141 Annual Reporting for Large Quantity Generators
- 722.142 Exception Reporting
- 722.143 Additional Reporting
- 722.144 Recordkeeping ~~Special Requirements~~ for Small Quantity
Generators ~~of between 100 and 1,000 kilograms per month~~

~~SUBPART E: EXPORTS OF HAZARDOUS WASTE~~

~~Section~~

- ~~722.150 Applicability (Repealed)~~
- ~~722.151 Definitions (Repealed)~~
- ~~722.152 General Requirements (Repealed)~~
- ~~722.153 Notification of Intent to Export (Repealed)~~
- ~~722.154 Special Manifest Requirements (Repealed)~~
- ~~722.155 Exception Report (Repealed)~~
- ~~722.156 Annual Reports (Repealed)~~
- ~~722.157 Recordkeeping (Repealed)~~
- ~~722.158 International Agreements (Repealed)~~

~~SUBPART F: IMPORTS OF HAZARDOUS WASTE~~

~~Section~~

- ~~722.160 Imports of Hazardous Waste (Repealed)~~

SUBPART G: FARMERS

Section

- 722.170 Farmers

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF
HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section

- 722.180 Applicability
- 722.181 Definitions
- 722.182 General Conditions
- 722.183 Exports of ~~hazardous waste~~ Notification and Consent Hazardous
Waste
- 722.184 Imports of ~~hazardous waste~~ Movement Document Hazardous Waste
- 722.185 Contracts (Repealed)
- 722.186 Provisions Relating to Recognized Traders (Repealed)
- 722.187 Reporting and Recordkeeping (Repealed)
- 722.189 OECD Waste Lists (Repealed)

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

Section

- 722.300 Definitions
- 722.301 Applicability

722.302 Opting into the Subpart K Requirements
722.303 Notice of Election into the Subpart K Requirements
722.304 Notice of Withdrawal from the Subpart K Requirements
722.305 Summary of the Requirements of this Subpart K
722.306 Container Standards in the Laboratory
722.307 Personnel Training
722.308 Removing Unwanted Material from the Laboratory
722.309 Hazardous Waste Determination and Removal of Unwanted
Material from the Laboratory
722.310 Hazardous Waste Determination in the Laboratory
722.311 Hazardous Waste Determination at an On-Site Central
Accumulation Area
722.312 Hazardous Waste Determination at an On-Site Treatment,
Storage, or Disposal Facility
722.313 Laboratory Clean-Outs
722.314 Laboratory Management Plan
722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
722.316 Non-Laboratory Hazardous Waste Generated at an Eligible
Academic Entity

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section

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

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

Section

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

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. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. _____; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 722.101 Definitions

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

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

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

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

Section 722.105-~~722.113~~ Electronic Reporting

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

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

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

Section 722.110 Purpose, Scope, and Applicability

a) This Part establishes standards for generators of hazardous waste, as defined by 35 Ill. Adm. Code 720.110.

1) A person who generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to all the applicable independent requirements in the following provisions:

A) Independent Requirements of a VSQG.

i) Section 722.111(a) through (d) (hazardous waste determination and recordkeeping); and

ii) Section 722.113 (generator category determination).

B) Independent Requirements of a SQG.

i) Section 722.111 (hazardous waste determination and recordkeeping);

ii) Section 722.113 (generator category determination);

iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);

iv) Subpart B (manifest requirements applicable to SQGs and LQGs);

v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);

- vi) Section 722.140 (recordkeeping);
 - vii) Section 722.144 (recordkeeping for SQGs); and
 - viii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).
- C) Independent Requirements of a LQG.
- i) Section 722.111 (hazardous waste determination and recordkeeping);
 - ii) Section 722.113 (generator category determination);
 - iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);
 - iv) Subpart B (manifest requirements applicable to SQGs and LQGs);
 - v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);
 - vi) Subpart D (recordkeeping and reporting applicable to SQGs and LQGs, except Section 722.144); and
 - vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:

- A) A VSQG that meets the conditions for exemption in Section 722.114;
- B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or
- C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.

3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.

b) Determining Generator Category. A generator must use Section 722.113 ~~35 Ill. Adm. Code 721.105(e) and (d)~~ to determine which ~~the applicability of~~ provisions of this Part ~~that~~ are applicable to the generator based on ~~dependent on calculations of~~ the quantity of hazardous waste generated per calendar month.

c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision. ~~A generator that treats, stores, or disposes of a hazardous waste on site must comply only with the following Sections of this Part with respect to that waste: Section 722.111, for determining whether or not the generator has a hazardous waste; Section 722.112, for obtaining an USEPA identification number; Section 722.140(c) and (d), for recordkeeping; Section 722.143, for additional reporting; and Section 722.170, for farmers, if applicable.~~

d) Any person that exports or imports hazardous ~~a waste hazardous~~ under U.S. national procedures to or from the countries listed in ~~Section 722.153(a)(1) for recovery~~ waste must comply with Section 722.118 and Subpart H ~~of this Part.~~

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

e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.

f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.

g) Generator Violation and Noncompliance. ~~A person that generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if that person does not comply with this Part.~~

1) A generator's violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part.

Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any

violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.

i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.

j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked "reserved". ~~This subsection corresponds with 40 CFR 262.10(j), a provision that relates only to facilities in the Commonwealth of Massachusetts.~~ This statement maintains structural consistency with USEPA rules.

k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.

l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K ~~of this Part~~ are not subject to the requirements set forth in subsections (l)(1) and (l)(2) ~~of this Section~~, except as specifically otherwise provided in Subpart K ~~of this Part~~. For purposes of this subsection (l), the terms "laboratory" and "eligible academic entity" must ~~shall~~ have the meanings given them in Section 722.300.

1) The independent requirements of Section 722.111 or the regulations in Section 722.115, for an LQG ~~a large quantity generator~~, or an SQG, except as provided in Subpart K ~~Section 722.134(c), for a small quantity generator~~; and

2) The conditions of Section ~~262.14 35 Ill. Adm. Code 721.105(b), 262.14~~ for a VSQG, except as provided in Subpart K ~~conditionally exempt small quantity generator~~.

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

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

Section 722.111 Hazardous Waste Determination

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

a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

~~ba)~~ The person must ~~should first~~ determine whether ~~if~~ the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.

~~eb)~~ If the waste is not excluded under 35 Ill. Adm. Code 721.104, the person must ~~should~~ then use knowledge of ~~determine if~~ the waste to determine whether the ~~is listed as a hazardous~~ waste meets any of the listing descriptions under ~~in~~ Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If a waste is listed, the person may file a delisting petition under 35 Ill. Adm. Code 720.120 and 260.22 to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.

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

~~e)~~ For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, the generator must then determine whether the waste is identified in Subpart C of 35 Ill. Adm. Code 721 by either of the following methods:

~~1) Testing the waste according to the methods set forth in Subpart C of 35 Ill. Adm. Code 721, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121, or~~

~~2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.~~

d) The person then must also determine whether the waste exhibits one or more hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by following the procedures in subsection (d)(1) or (d)(2), or a combination of both.

1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in Subpart C of 35 Ill. Adm. Code 721, or an equivalent test method approved by the Agency or the Board under 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in Subpart C of 35 Ill. Adm. Code 721 or according to an equivalent method approved by the Administrator under 35 Ill. Adm. Code 720.121 and in accordance with the following:

A) A persons testing its waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code 721, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.

edge) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.

f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code 721.103. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at subsections (c) and (d). The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this Section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records

which explain the knowledge basis for the generator's determination, as described at subsection (d)(1). The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

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

g) Identifying USEPA hazardous Waste Numbers for SQGs and LQGs. If the waste is determined to be hazardous, SQGs and LQGs must identify all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) in Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site, the generator also must mark its containers with all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm. Code 722.132.

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

Section 722.112 USEPA Identification Numbers (Repealed)

~~a) A generator must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number from USEPA.~~

~~b) A generator that has not received a USEPA identification number may obtain one by applying to USEPA Region 5 using USEPA Form 8700-12. The generator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to any notification directly to USEPA. Upon receiving the request USEPA will assign a USEPA identification number to the generator.~~

~~c) A generator must not offer its hazardous waste to transporters or to treatment, storage or disposal facilities that have not received a USEPA identification number.~~

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

Section 722.113 Generator Category Determination

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

a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or

non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:

1) Counting the total amount of hazardous waste generated in the calendar month;

2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and

3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).

b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:

1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;

2) Subtracting from each total any amounts of waste exempt from counting, as described in subsections (c) and (d);

3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and

4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.

c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:

1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;

2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;

3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);

4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;

5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;

6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;

7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; or

8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L.

d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;

2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and

3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste.

1) VSQG Waste.

A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

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

C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste.

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.

B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

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

Quantity of acute hazardous waste generated in a calendar month
Quantity of non-acute hazardous waste generated in a calendar month
Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month
Generator category > 1 kg

(> 2.2 lb) Any amount
Any amount LQG Any amount = 1,000 kg
(= 2,200 lbs) Any amount LQG Any amount Any amount > 100 kg

(> 220 lbs)LQG= 1 kg
(= 2.2 lbs)> 100 kg and < 1,000 kg
(> 220 lbs and < 2,200 lbs)= 100 kg
(= 220 lbs)SQG= 1 kg
(= 2.2 lbs)= 100 kg= 100 kg
(= 220 lbs)VSQG

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

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

a) Provided that a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these requirements, except that the VSQG must comply with this Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:

1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code 720.110;

2) The VSQG complies with Section 722.111(a) through (d);

3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

A) Such waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(1); and

B) The conditions for exemption in Section 722.117(a) through (g).

4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

A) Such waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);

BOARD NOTE: Section 722.116(c) allows an SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles

for off-site treatment, storage, or disposal to accumulate the waste for up to 270 days.

B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and

C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).

5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:

A) A permitted facility under 35 Ill. Adm. Code 702 and 703;

B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;

C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;

D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and which is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;

E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;

F) A facility engaging in either of the following activities:

i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or

ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;

H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:

i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. "Control," for the purposes of this Section, means the power to direct the policies of the generator,

whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" the VSQG and LQG.

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

b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

c) A VSQG experiencing an episodic event may generate and accumulate hazardous waste in accordance with Subpart L in lieu of Sections 722.115, 722.116, and 722.117.

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

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

a) A generator may accumulate as much as 55 gallons (208 l) of non-acute hazardous waste or either one quart (0.94 l) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator complies with all of the conditions for exemption in this Section. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:

1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator must immediately transfer the hazardous waste from the leaking container to a container that is in good condition and not leaking, or immediately transfer and

manage the waste in a central accumulation area operated in compliance with Section 722.116(b) or 722.117(a).

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

3) Special Standards for Incompatible Wastes.

A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).

B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).

C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.

4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:

A) When the generator is adding, removing, or consolidating waste; or

B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:

i) For the proper operation of equipment; or

ii) To prevent dangerous situations, such as build-up of extreme pressure.

5) A generator must mark or label its container with the following:

A) The words "Hazardous Waste"; and

B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.

6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:

A) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 262.722.117(a), or

B) Remove the excess from the satellite accumulation area within three consecutive calendar days to any of the following:

i) A central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a);

ii) An on-site interim status or permitted treatment, storage, or disposal facility, or

iii) An off-site designated facility; and

C) During the three-consecutive-calendar-day period the generator must continue to comply with subsections (a)(1) through (a)(5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b)(8) and emergency procedures at Section 722.116(b)(9).

8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.

b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

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

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

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

a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.

b) Accumulation. The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:

1) Accumulation Limit. The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);

2) Accumulation of Hazardous Waste in Containers.

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

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

C) Management of Containers.

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

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

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

E) Special Conditions for Accumulation of Incompatible Wastes.

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

ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples,

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

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

3) Accumulation of Hazardous Waste in Tanks.

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

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

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

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

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

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

C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, where present:

i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;

iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);

iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and

v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, the SQG must immediately take remedial action.

D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

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

F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.

G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:

i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.

ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks

contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

C) The SQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:

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

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

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

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

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

6) Labeling and Marking of Containers and Tanks.

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

i) The words "Hazardous Waste";

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

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

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

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

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

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

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

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

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

8) Preparedness and Prevention.

A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.

i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, as necessary to assure its proper operation in time of emergency.

D) Access to Communications or Alarm System.

i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., either directly or through direct, unimpeded visual or voice contact with another employee) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).

ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).

E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

F) Arrangements with Local Authorities.

i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. Where more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction:

www.illinois.gov/?iema/Preparedness/?SERC/?Documents/?LEPC_ReleaseReportingContactList.pdf.

ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.

B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

i) The name and emergency telephone number of the emergency coordinator;

ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;

D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:

i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;

ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;

iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424-8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).

d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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

e) Rejected Load. An SQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on site in accordance with subsections

(a) through (d). Upon receipt of the returned shipment, the SQG must do either of the following:

1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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

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

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

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

a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:

1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:

A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;

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

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

D) Management of Containers.

i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.

ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.

E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes.

i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.

ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.

G) Special Conditions for Accumulation of Incompatible Wastes.

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

ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or

stored nearby in other containers, piles, open tanks, or surface impoundments.

2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.

3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725;

B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115 if the LQG manages the hazardous wastes are being managed in satellite accumulation areas prior to moving them to a central accumulation area; and

C) The LQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This

certification must be in the LQG's files prior to operation of the unit; and

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

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

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

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

5) Labeling and Marking of Containers and Tanks.

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

i) The words "Hazardous Waste";

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

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

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

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

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

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

iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

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

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

7) Personnel Training.

A) Personnel Training Program.

i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).

ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

iv) For facility employees that receive emergency response training pursuant to 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).

C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).

D) The LQG must maintain the following documents and records at the facility:

i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;

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

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

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

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

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

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

ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency

following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.

B) Notification for Closure of the Facility.

i) Notify USEPA and the Agency using USEPA Form 8700-12 no later than 30 days prior to closing the facility.

ii) Notify USEPA and the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify USEPA and the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank or containment building units, or for a facility with drip pads, notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b).

iii) An LQG may request additional time to clean close, but it must notify USEPA and the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units.

i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.

iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.

iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a) (8) (B) (ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform postclosure care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.

D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a) (8) (B) and (a) (8) (C) (i), and (a) (8) (C) (iii) and 35 Ill. Adm. Code 725.545(a) and (b).

E) The closure requirements of this subsection (a) (8) do not apply to satellite accumulation areas.

9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 40 CFR 268.

b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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

c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:

1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;

2) The F006 waste is legitimately recycled through metals recovery;

3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and

4) The LQG manages the F006 waste in accordance with the following requirements:

A) Requirements for Managing F006 Waste.

i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).

ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).

iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.

B) The LQG is exempt from all requirements of subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).

C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.

D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:

i) The words "Hazardous Waste"; and

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

E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

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

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

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

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

1) The LQG must notify USEPA and the Agency at least 30 days prior to receiving the first shipment from a VSQG using USEPA Form 8700-12; and

A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and

B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.

2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.

3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:

1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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

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

a) An SQG or LQG must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number.

b) An SQG or LQG that has not received a USEPA identification number must obtain one by applying to USEPA using USEPA Form 8700-12. Upon

receiving the request USEPA will assign a USEPA identification number to the generator.

c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment, storage, or disposal facility that has not received a USEPA identification number.

d) Re-Notification.

1) An SQG must re-notify USEPA starting in 2021 and every four years thereafter using USEPA Form 8700-12. The SQG must submit this re-notification by September 1st of each year in which re-notification is required.

2) An LQG must renotify USEPA by March 1 of each even-numbered year thereafter using USEPA Form 8700-12. An LQG may submit this renotification as part of its annual report required by Section 722.141.

e) A recognized trader must not arrange for import or export of hazardous waste without having received a USEPA identification number from USEPA.

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

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section 722.120 General Requirements

a) Manifest form required.

1) An SQG or LQG ~~A generator~~ that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) This subsection (a)(2) corresponds with 40 CFR 262.20(a)(2), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.

3) E-Manifest. In lieu of using the manifest form specified in subsection (a)(1) ~~of this Section~~, a person required to prepare a manifest under subsection (a)(1) ~~of this Section~~ may prepare and use an e-Manifest, provided that the person complies with the following requirements:

- A) Section 722.124 for use of e-Manifests; and
- B) 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code 720.111, for the reporting of electronic documents to USEPA.
- b) An SQG or LQG ~~A-generator~~ must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.
- c) An SQG or LQG ~~A-generator~~ may also designate on the manifest one alternate receiving facility that is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.
- d) If the transporter is unable to deliver the hazardous waste to the designated receiving facility or the alternate facility, the SQG or LQG generator must either designate another receiving facility or instruct the transporter to return the waste.
- e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where the following conditions are fulfilled:
 - 1) The waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments;
 - 2) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
 - 3) The SQG or LQG ~~generator~~ maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.
- f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

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

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

- a) USEPA approval 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 ~~7~~ 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, or faxed, except that the marginal words indicating copy distribution must be printed with a

distinct ink color or with another method (e.g., white text against black background in text box or black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

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

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

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

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

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

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

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

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

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

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.

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

2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond 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 42 Ill. Reg. ~~—~~, effective _____)

Section 722.123 Use of the Manifest

a) The generator must ~~shall~~ do the following:

1) Sign the manifest certification by hand;

2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;

3) Retain one copy, in accordance with Section 722.140(a); and

4) Send one copy of the manifest to the Agency within two working days.

b) The generator must give the transporter the remaining copies of the manifest.

c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.

d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:

- 1) The next non-rail transporter, if any;
- 2) The designated receiving facility, if the waste is transported solely by rail; or
- 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 those residues.

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

Section 722.124 Use of the Electronic Manifest

a) Legal equivalence to paper manifests. E-Manifests that are obtained, completed, and transmitted in accordance with Section 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 721 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of Section 722.125.

2) Any requirement in 35 Ill. Adm. Code 721 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

3) Any requirement in any provision of 35 Ill. Adm. Code 721 through 728 for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed e-Manifest in the generator's account on the national e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized Agency inspector.

4) No generator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the generator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

BOARD NOTE: The Board has rendered the language "and requirement in these regulations" in corresponding 40 CFR 722.124(a) and (a)(1) through (a)(3) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a). The Board intends that use of the e-Manifest System have the same effect in Illinois as it would where the federal requirements directly apply.

b) A generator may participate in the e-Manifest System either by accessing the e-Manifest System from its own electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

c) Restriction on use of e-Manifests. A generator may prepare an e-Manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the e-Manifest System.

d) Requirement for one printed copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a generator originating an e-Manifest must also provide the initial transporter with one printed copy of the e-Manifest.

e) Special procedures when e-Manifest is unavailable. If a generator has prepared an e-Manifest for a hazardous waste shipment, but the e-Manifest System becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (USEPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions referenced in Appendix A ~~to this Part~~, and use these paper forms from this point forward in accordance with the requirements of Section 722.123.

f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an e-Manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the generator must also sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under subsection (d) ~~of this Section~~.

g) Imposition of user fee. A generator that is a user of the e-Manifest System may be assessed a user fee by USEPA for the origination of each e-Manifest. USEPA shall maintain and update from time-to-time the current schedule of e-Manifest user fees, which shall be determined based on current and projected e-Manifest System costs and level of use of the e-Manifest System.

BOARD NOTE: USEPA stated in corresponding 40 CFR 262.24(g) that it would publish the current schedule of e-Manifest user fees as an appendix to 40 CFR 262.

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

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

Section 722.132 Marking

a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

b) Marking Small Containers. Before transporting hazardous waste or offering hazardous waste for transportation off ~~site-off-site~~, a generator must mark each container of 119 gallons (450 l-~~liters~~) or less that is used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b):

1) HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

2) Generator's Name and Address _____.

3) Generator's USEPA Identification Number _____.

4) Manifest Tracking Number _____.

5) USEPA hazardous waste numbers _____.

c) A generator may use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers, as required by subsection (b)(5) or (d).

d) The generator need not mark lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) with USEPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable.

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

Section 722.134 Accumulation Time (Repealed)

~~a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:~~

~~1) The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:~~

~~A) In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;~~

~~B) In tanks, and the generator complies with Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300;~~

~~C) On drip pads, and the generator complies with Subpart W of 35 Ill. Adm. Code 725 and maintains the following records at the facility:~~

~~i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and~~

~~ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or~~

~~D) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator must maintain the following records at the facility:~~

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

~~ii) Documentation that the unit is emptied at least once every 90 days;~~

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

~~2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;~~

~~3) While being accumulated on site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and~~

~~4) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with all applicable requirements in 35 Ill. Adm. Code 728.107(a)(5).~~

~~b) A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90 day period. If hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).~~

~~e) Accumulation near the point of generation.~~

~~1) A generator may accumulate as much as 55 gallons (208 l) of hazardous waste or one quart of acutely hazardous waste listed in 35~~

~~Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) or (d) of this Section, provided the generator does the following:~~

~~A) The generator complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and~~

~~B) The generator marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.~~

~~2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.~~

~~d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:~~

~~1) The quantity of waste accumulated on site never exceeds 6,000 kilograms;~~

~~2) The generator complies with the requirements of Subpart I of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278);~~

~~3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;~~

~~4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, with Subpart C of 35 Ill. Adm. Code 725, and with all applicable requirements in 35 Ill. Adm. Code 268; and~~

~~5) The generator complies with the following requirements:~~

~~A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.~~

~~B) The generator must post the following information next to the telephone:~~

~~i) The name and telephone number of the emergency coordinator;~~

~~ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and~~

~~iii) The telephone number of the fire department, unless the facility has a direct alarm.~~

~~C) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.~~

~~D) The emergency coordinator or designee must respond to any emergencies that arise. The following are applicable responses:~~

- ~~i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;~~
- ~~ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and~~
- ~~iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using its 24-hour toll-free number 800-424-8802).~~

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

- ~~i) The name, address, and USEPA identification number (Section 722.112 of this Part) of the generator;~~
- ~~ii) The date, time, and type of incident (e.g., spill or fire);~~
- ~~iii) The quantity and type of hazardous waste involved in the incident, the extent of injuries, if any; and~~
- ~~iv) The estimated quantity and disposition of recoverable materials, if any.~~

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

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

~~f) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Sections 35(b), 36(e), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(e), and 37(b)].~~

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

~~for the RCRA hazardous waste code F006, may accumulate F006 waste on site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:~~

~~1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling;~~

~~2) The F006 waste is legitimately recycled through metals recovery;~~

~~3) No more than 20,000 kilograms of F006 waste is accumulated on site at any one time; and~~

~~4) The F006 waste is managed in accordance with the following conditions:~~

~~A) The F006 waste is placed in one of the following containing devices:~~

~~i) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;~~

~~ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300; or~~

~~iii) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the records listed in subsection (g)(4)(F) of this Section at the facility;~~

~~B) In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;~~

~~C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;~~

~~D) While being accumulated on site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and~~

~~E) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a)(5).~~

~~F) Required records for a containment building:~~

~~i) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180 day limit, and documentation that the generator is complying with the procedures; or~~

~~ii) Documentation that the unit is emptied at least once every 180 days.~~

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

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

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

~~i) A generator accumulating F006 in accordance with subsections (g) and (h) of this Section that accumulates F006 waste on site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or which accumulates more than 20,000 kilograms of F006 waste on site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the generator has been granted an extension to the 180 day (or 270 day if applicable) period or an exception to the 20,000 kilogram accumulation limit.~~

~~1) On a case by case basis, the Agency must grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Sections 35(b), 36(e), and 37(b) of the Act [415 ILCS 5/35(b), 36(e), and 37(b)] if it finds that the F006 waste must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.~~

~~2) On a case by case basis, the Agency must grant a provisional variance pursuant to Sections 35(b), 36(e), and 37(b) of the Act [415 ILCS 5/35(b), 36(e), and 37(b)] that allows an exception to the 20,000 kilogram accumulation limit if the Agency finds that more than 20,000 kilograms of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances.~~

~~3) A generator must follow the procedure of 35 Ill. Adm. Code 180 (Agency procedural rules) when seeking a provisional variance under subsection (i) (1) or (i) (2) of this Section.~~

~~j) This subsection (j) corresponds with 40 CFR 262.34(j), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program related rules are no longer effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.~~

~~k) This subsection (k) corresponds with 40 CFR 262.34(k), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program related rules are no longer effective at 75 Fed. Reg. 12989, 12992, and note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.~~

~~l) This subsection (l) corresponds with 40 CFR 262.34(l), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program related rules are no longer effective at 75 Fed. Reg. 12989, 12992, and note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.~~

~~m) A generator that sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility~~

~~can accept and manage the waste and which later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on site in accordance with subsections (a) and (b) or (d), (e), and (f) of this Section, depending on the amount of hazardous waste on site in that calendar month. Upon receipt of the returned shipment, the generator must sign the appropriate of the following:~~

- ~~1) Item 13e of the manifest, if the transporter returned the shipment using the original manifest; or~~
- ~~2) Item 20 of the manifest, if the transporter returned the shipment using a new manifest.~~

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

Section 722.135 Liquids in Landfills Prohibition

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

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

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

Section 722.140 Recordkeeping

a) A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until it receives a signed copy from the designated facility that received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).

c) Section 722.111(f) requires documenting hazardous waste determinations. ~~A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Section~~

~~722.111 for at least three years from the date that the waste was last sent to on site or off site treatment, storage, or disposal.~~

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

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

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

Section 722.141 Annual Reporting for Large Quantity Generators

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

- ~~1) The USEPA identification number, name, and address of the generator;~~
- ~~2) The calendar year covered by the report;~~
- ~~3) The USEPA identification number, name, and address for each off site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;~~
- ~~4) The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;~~
- ~~5) A description, USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721), USDOT hazard class and quantity of each hazardous waste shipped off site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by USEPA identification number of each off site facility to which waste was shipped;~~
- ~~6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;~~
- ~~7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and~~
- ~~8) The certification signed by the generator or the generator's authorized representative.~~

b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposing ~~treats, stores, or disposes~~ of hazardous waste on ~~site on~~-site must complete and

submit to the Agency by March 1 of the following even-numbered year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG pursuant to Section 722.117(f). ~~Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth at Section 722.156.~~

c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

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

Section 722.142 Exception Reporting

a) Generators of greater than 1,000 kg (2,200 ~~E.g.,~~ ~~kilograms~~ lbs) of hazardous waste in a calendar month.

1) A generator of 1,000 kg (2,200 lbs) ~~kilograms~~ or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days after ~~the~~ date the waste was accepted by the initial transporter must contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.

2) A generator of 1,000 kg (2,200 lbs) ~~kilograms~~ or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, must submit an Exception Report to the Agency if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days after the date the waste was accepted by the initial transporter. The Exception Report must include the following documents:

A) A legible copy of the manifest for which the generator does not have a confirmation of delivery; and

B) A cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the result of those efforts.

b) A generator of greater than 100 kg (220 lbs) ~~kilograms~~ but less than 1,000 kg (2,200 lbs) ~~kilograms~~ of hazardous waste in a calendar month that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days after the date the waste was accepted by the initial transporter

must submit a legible copy of the manifest to the Agency, with some indication that the generator has not received confirmation of delivery.

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

c) A generator must comply with the requirements of subsection (a) or (b) ~~of this Section~~, as applicable, when a designated facility has forwarded a rejected shipment of hazardous waste or container residues contained in non-empty containers to an alternate facility using a new manifest (following the procedures of 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or 725.172(e)(1) through (e)(6)). For purposes of generator compliance with subsection (a) or (b) ~~of this Section~~, when a designated facility forwards a shipment of rejected waste to an alternate facility, the following requirements apply:

1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and

2) The 35-, 45-, or 60-day timeframes begin on the date that the initial transporter accepts the waste from the designated facility for shipment to the alternate facility.

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

Section 722.143 Additional Reporting

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

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

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

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

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

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

~~SUBPART E: EXPORTS OF HAZARDOUS WASTE~~

Section 722.150 Applicability (Repealed)

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

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

Section 722.151 Definitions (Repealed)

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

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

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

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

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

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

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

Section 722.152 General Requirements (Repealed)

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

~~Exports of hazardous waste are prohibited unless the following conditions are fulfilled:~~

- ~~a) Notification in accordance with Section 722.153 has been provided;~~
- ~~b) The receiving country has consented to accept the hazardous waste;~~

~~e) A copy of the USEPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)); and~~

~~d) The hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the USEPA Acknowledgment of Consent.~~

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

Section 722.153 Notification of Intent to Export (Repealed)

~~a) A primary exporter of hazardous waste must notify USEPA in accordance with federal 40 CFR 262.53 (Notification of Intent to Export), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~

~~b) The primary exporter must send the Agency a copy of each notice sent to USEPA pursuant to subsection (a) of this Section.~~

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

Section 722.154 Special Manifest Requirements (Repealed)

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

~~b) The primary exporter must send a copy of the manifest to the Agency.~~

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

Section 722.155 Exception Report (Repealed)

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

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

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

Section 722.156 Annual Reports (Repealed)

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

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

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

Section 722.157 Recordkeeping (Repealed)

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

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

Section 722.158 International Agreements (Repealed)

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

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

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

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

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

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

~~SUBPART F: IMPORTS OF HAZARDOUS WASTE~~

Section 722.160 Imports of Hazardous Waste (Repealed)

~~a) Any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart F.~~

~~b) When importing hazardous waste, a person must meet all the requirements of Section 722.120 for the manifest, except that the following information items are substituted:~~

~~1) In place of the generator's name, address, and USEPA identification number, the name and address of the foreign generator and~~

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

~~2) In place of the generator's signature on the certification statement, the United States importer or the importer's agent must sign and date the certification and obtain the signature of the initial transporter.~~

~~e) A person that imports hazardous waste must obtain the manifest form as provided in Section 722.121.~~

~~d) In the International Shipments block of the manifest, the importer must check the import box and enter the point of entry (city and State) into the United States.~~

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

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

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section 722.180 Applicability

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

~~BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), 262.53(a), and corresponding 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term "waste hazardous under U.S. national procedures"; add a definition in Section 722.181, the centralized listing of definitions for Subpart H of this Part; and replace USEPA's defining language in this subsection (a) with a cross reference to the definition in Section 722.181.~~

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

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

Section 722.181 Definitions

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

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

BOARD NOTE: The Board added this definition.

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

BOARD NOTE: The Board added this definition.

"Competent authority" means the regulatory authority or authorities of countries concerned having jurisdiction over trans-boundary movements of wastes ~~destined for recovery operations~~. BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country:
<http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

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

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

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

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

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

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

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

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

- D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.
- D2 Land treatment, such as biodegradation of liquids or sludges in soils.
- D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.
- D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.
- D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.
- D6 Release into a water body other than a sea or ocean, and other than by operation D4.
- D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.
- D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D10 Incineration on land.
- D11 Incineration at sea.
- D12 Permanent storage.
- D13 Blending or mixing, prior to any of operations D1 through D12.
- D14 Repackaging, prior to any of operations D1 through D13.
- D15 Interim storage, prior to any of operations D1 through D12 (for transboundary movements other than with Canada).

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

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

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

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

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

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

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

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

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

BOARD NOTE: The Board added this definition.

"Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated List of Wastes Subject to the Green Control

Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

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

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

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

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

"OECD" means the Organisation for Economic ~~Cooperation~~Co-operation and Development.

"OECD area" means all land or marine areas under the national jurisdiction of any OECD member country ~~listed in Section 722.158.~~ When the regulations refer to shipments to or from an OECD member country, this means OECD area. ~~"OECD" means the Organization for Economic Cooperation and Development.~~

"OECD Guidance Manual" means "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as ~~Amended~~amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the segments incorporated by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156. BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation "C(2001)107/FINAL", USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

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

BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD Member countries on the Internet.

(<https://www.epa.gov/?hwgenerators/?international-agreements-transboundary-shipments-hazardous-waste#oecd>).

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

~~BOARD NOTE: USEPA used the term "designation of waste type(s) from the appropriate OECD list" in 40 CFR 262.83(d)(12) (2010) (corresponding with 35 Ill. Adm. Code 722.183(d)(12)). The Board changed USEPA's term to "OECD waste designation" to replace USEPA's language and added this definition of the created term, interpreting the plain language of 40 CFR 262.83(d)(12) and 262.89(d) (2010) (corresponding with 35 Ill. Adm. Code 722.183(a)(12) and 722.189(d)) to mean Green waste and Amber waste.~~

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

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

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

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

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy,
- R2 Solvent reclamation or regeneration,
- R3 Recycling or reclamation of organic substances that are not used as solvents,
- R4 Recycling or reclamation of metals and metal compounds,
- R5 Recycling or reclamation of other inorganic materials,
- R6 Regeneration of acids or bases,

- R7 Recovery of components used for pollution abatement,
- R8 Recovery of components from used catalysts,
- R9 Used oil re-refining or other reuses of previously used oil,
- R10 Land treatment resulting in benefit to agriculture or ecological improvement,
- R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 (for transboundary shipments other than with Canada),
- R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 (for transboundary shipments other than with Canada), and
- R13 Accumulation of material intended for any operation numbered R1 through R12 (for transboundary shipments other than with Canada) ~~in this listing.~~
- RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).
- RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).
- RC16 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

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

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

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

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

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

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

~~this Part, and replace USEPA's defining language in 40 CFR 262.10(d), 262.58(a), and 262.80(a) with cross references to this definition.~~

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

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

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

Section 722.182 General Conditions

a) Scope. The level of control for exports and imports of waste ~~hazardous under U.S. national procedures, as defined in Section 722.181,~~ is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.

1) Green list ~~OECD-listed wastes subject to the Green control procedures.~~

A) Green waste that is not ~~waste-hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.

B) Green waste that is ~~waste-hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ is subject to the requirements of ~~Amber control procedures set forth in this~~ Subpart H.

2) Amber ~~OECD-listed wastes subject to the Amber control procedures.~~

A) Amber waste that is ~~waste-hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ is subject to the Amber control procedures set forth in this Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

~~B) Amber waste that is waste-hazardous under U.S. national procedures, as defined in Section 722.181, is subject to the Amber control procedures within the United States, even if they are imported to or exported from a designated OECD member country listed in Section 722.158(a)(1) that does not consider the waste to be hazardous. In such an event, the responsibilities of the Amber control procedures shift as follows:~~

i) For exports ~~of Amber waste from the United States,~~ exporter must comply with Section ~~722.183~~ ~~USEPA has stated that the United States will~~

~~issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import.~~ 722.183.

ii) For imports ~~of Amber waste into the United States, USEPA has stated that,~~ the U.S. recovery or disposal facility and the ~~or~~ importer must comply with Section ~~722.184~~ ~~assume the obligations associated with the Amber control procedures that normally apply to the exporter, and the United States will assume the obligations associated with the Amber control procedures that normally apply to the country of export.~~ 722.184.

~~BCB)~~ Amber waste that is not ~~waste-hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ but which is considered hazardous by the other ~~an OECD member~~ country, is subject to the Amber control procedures in the ~~OECD member~~ country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other ~~importer or exporter of the OECD member~~ country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes ~~that are subject to Amber control procedures~~ are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements ~~Amber control procedures~~ of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These ~~other federal~~ restrictions continue to apply without regard to ~~the applicability or inapplicability of~~ this Subpart H.

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

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

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

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

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

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

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

B) If such waste is not ~~waste-hazardous waste under U.S. national procedures, as defined in Section 722.181,~~ the waste is not subject to the requirements of this Subpart H ~~Green control procedures.~~

b) General conditions applicable to trans-boundary movements of hazardous waste.

1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the ~~importing~~ country of import;

2) The trans-boundary movement must comply ~~be in compliance~~ with applicable international transport agreements; and

BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries ~~a non-OECD member country~~ must comply ~~be conducted in compliance~~ with all applicable international and national laws and regulations.

~~c) Provisions relating to re-export for recovery to a third country.~~

~~1) Re-export of waste that is subject to the Amber control procedures from the United States, as the country of import, to a third country listed in Section 722.153(a)(1) may occur only after an exporter in the United States provides notification to and obtains consent from the competent authorities in the third country, the original country of export, and any transit countries. The notification must comply with the notice and consent procedures in Section 722.183 for all countries concerned and the original exporting country. The competent authorities of the original exporting country, as well as the competent authorities of all other concerned countries, have 30 days to object to the proposed movement.~~

~~A) The 30-day period begins once the competent authorities of both the initial country of export and new country of import issue Acknowledgments of Receipt of the notification.~~

B) ~~The trans boundary movement may commence if no objection has been lodged after the 30 day period has passed or immediately after written consent is received from all relevant OECD countries of import and countries of transit.~~

2) ~~In the case of re-export of Amber waste to a country other than those listed in Section 722.158(a)(1), notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in subsection (c)(1) of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first country of import.~~

d) ~~Duty to return or re-export wastes subject to the Amber control procedures. When a trans boundary movement of wastes subject to the Amber control procedures cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste must be returned to the country of export or re-exported to a third country. The provisions of subsection (c) of this Section apply to any shipments to be re-exported to a third country. The following provisions apply to shipments to be returned to the country of export, as appropriate:~~

1) ~~Return from the United States to the country of export. The U.S. importer must inform USEPA at the address specified in Section 722.183(b)(1)(A) of the need to return the shipment. USEPA stated that it will then inform the competent authorities of the countries of export and transit, citing the reasons for returning the waste. The U.S. importer must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned OECD member countries. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.~~

2) ~~Return from the country of import to the United States. The U.S. exporter must provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs USEPA of the need to return the waste or such other period of time as the concerned OECD member countries agree. The U.S. exporter must submit an exception report to USEPA in accordance with Section 722.187(b).ee)~~

Duty to return wastes subject to the Amber control procedures during transit through the United States ~~from a country of transit~~. When a trans-boundary movement of hazardous waste ~~wastes~~ subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the

waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries. ~~The following provisions apply, as appropriate:~~

~~1) Return from the United States (as country of transit) to the country of export. The U.S. transporter must inform USEPA at the specified address in Section 722.183(b)(1)(A) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned OECD member countries.~~

~~2) Return from the country of transit to the United States (as country of export). The U.S. exporter must provide for the return of the hazardous waste shipment within 90 days from the time the competent authority of the country of transit informs USEPA of the need to return the waste or such other period of time as the concerned OECD member countries agree. The U.S. exporter must submit an exception report to USEPA in accordance with Section 722.187(b).~~

d) Laboratory analysis exemption. Export or import of a hazardous waste sample is exempt from the requirements of this Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

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

1) For Postal Mail Delivery:

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

2) For Hand-Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division
Environmental Protection Agency
William Jefferson Clinton South Bldg., Room 6144
12th St. and Pennsylvania Ave NW.

Washington, DC 20004.

~~f) Requirements for wastes destined for and received by facilities engaged in R12 and R13 recovery operations. The trans boundary movement of wastes destined for an R12 or R13 recovery operation must comply with all Amber control procedures for notification and consent, as set forth in Section 722.183, and for the movement document, as set forth in Section 722.184. Additional responsibilities of a facility engaged in an R12 or R13 recovery operation include the following:~~

~~1) Indicating in the notification document the foreseen recovery facility or facilities where the subsequent R1 through R11 recovery operation will take place or may take place.~~

~~2) Within three days after the receipt of the wastes by a facility engaged in R12 or R13 recovery operation, the facility owner or operator must return a signed copy of the movement document to the exporter and to the competent authorities of the country of export and the country of import. The facility owner or operator must retain the original of the movement document for three years.~~

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

~~Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance Assurance-
Division (2254A)~~

~~Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460.~~

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

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

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

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

~~g) Laboratory analysis exemption. The trans boundary movement of an Amber waste is exempt from the Amber control procedures if the Amber waste is in certain quantities and destined for laboratory analysis to assess its physical or chemical characteristics or determine its suitability for recovery operations. The quantity of such Amber waste must be determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, but in no case may the amount of Amber waste exceed 25 kilograms (kg). Amber waste destined for laboratory analysis must still be appropriately packaged and labeled.~~

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

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

a) General export requirements. Except as provided in subsections (a) (5) and (a) (6), an exporter that receives an AOC from USEPA before December 31, 2016 is subject to that approval and the requirements listed in the AOC as they existed at the time of that approval until the approval period expires. All other exports of hazardous waste are prohibited unless the following conditions are fulfilled:

1) The exporter complies with the contract requirements in subsection (f);

2) The exporter complies with the notification requirements in subsection (b);

3) The exporter receives an AOC from USEPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);

4) The exporter ensures compliance with the movement documents requirements in subsection (d);

5) The exporter ensures compliance with the manifest instructions for export shipments in subsection (c); and

6) The exporter or a U.S. authorized agent must submit electronic export information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and includes the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:

A) The USEPA license code;

B) The commodity classification code for each hazardous waste per 15 CFR 30.6(a) (12), incorporated by reference in 35 Ill. Adm. Code 720.111;

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

b) Notifications.

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

- A) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
- B) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
- C) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
- D) The intended transporters or their agents; address, telephone, fax, and email address;
- E) "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. ports of exit;

F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;

G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of entry for the country of import;

H) A statement of whether the notification covers a single shipment or multiple shipments;

I) The start and end dates requested for transboundary movements;

J) The planned means of transport;

K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each waste in either metric tons or cubic meters; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each waste;

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

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

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

Name:

Signature:

Date:

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

(ec.europa.eu/environment/waste/shipments/?pdf/list_competent_authorities.pdf).

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

3) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the foreign receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12 the final foreign recovery or disposal facility will employ. For transboundary movements to Canada, in addition to the foregoing foreign receiving facilities listed in subsection (b)(1)(B), if the foreign receiving facility will engage in interim recovery operations RC16 or interim disposal operations DC17, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC14 to RC15, D1 through D12, and DC15 to DC16 the final foreign recovery or disposal facility will employ. The recovery and disposal operations in this subsection are defined in Section 722.181.

4) Renotifications. When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an USEPA AOC letter documenting the countries' consents to the changes.

5) Where the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, USEPA will coordinate with the Department of State to provide the complete notification to the country of import and any countries of transit. In

all other cases, USEPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).

6) Where the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA stated that it will notify the exporter.

7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183, including providing notification to USEPA in accordance with subsection (b)(1). In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M), the exporter must provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from USEPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to reexport.

8) Upon request by USEPA, the exporter must furnish to USEPA any additional information which the country of import requests in order to respond to a notification.

c) RCRA Manifest Instructions for Export Shipments. The exporter must comply with the manifest requirements of Sections 722.120 through 722.123, with the following exceptions:

1) (Block 8): In lieu of the name, site address and USEPA ID number of the designated facility, the exporter must enter the name and site address of the foreign receiving facility;

2) (Block 16): In the International Shipments block, the exporter must check the export box and enter the port of exit (city and state) from the United States.

3) The exporter must list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use Continuation Sheets (USEPA Form 8700-22A).

4) The exporter may obtain the manifest from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

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

d) Movement Document Requirements for Export Shipments.

1) An exporter must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the wastes reach the foreign receiving facility, including cases where the hazardous waste is stored or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as follows:

A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water.

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

2) The movement document must include the following:

A) The corresponding consent numbers and USEPA hazardous waste numbers for the listed hazardous waste from the relevant USEPA AOCs;

B) The shipment number and the total number of shipments from the USEPA AOC;

C) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;

D) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

E) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;

F) A description of each hazardous waste; the quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable OECD waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

- G) The date movement commenced;
 - H) The name (if not exporter), address, telephone, fax numbers, and email of company originating the shipment;
 - I) The company name, USEPA identification number, address, telephone, fax, and email address of each transporter;
 - J) Identification (license, registered name, or registration number) of means of transport, including types of packaging;
 - K) Any special precautions to be taken by transporters;
 - L) A declaration and certification signed and dated by the exporter that the information in the movement document is complete and correct;
 - M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);
 - N) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and
 - O) As part of the contract requirements per subsection (f), the exporter must require that the foreign receiving facility send a copy of the signed movement document to the competent authorities of the countries of import and transit to confirm receipt within three working days of shipment delivery to the exporter. The exporter must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- e) Duty to Return or Re-Export Hazardous Wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or reexported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs USEPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter must submit an exception report to USEPA in accordance with subsection (h).
- f) Export Contract Requirements.
- 1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the

same corporate or legal entity). A contract or equivalent arrangements for export of hazardous waste must be executed by the exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign receiving facility. The contract or equivalent arrangements must specify responsibilities for each of the exporter, the foreign importer, and the owner or operator of the foreign receiving facility. A contract or equivalent arrangements is valid for the purposes only if each person assuming obligations under the contracts or equivalent arrangements has appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

2) A contract or equivalent arrangements must specify the name and USEPA identification number of the following:

A) The company from where each export shipment of hazardous waste is initiated;

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

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

D) The foreign receiving facility.

3) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if its disposition cannot be carried out as described in the notification of intent to export. For this contingency, contracts must specify the following:

A) That the transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, USEPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; and

B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of hazardous wastes, providing the notification for re-export to the competent authority in the country of import, including the equivalent of the information required in subsection (b)(1) and the original consent number issued for the initial export of the hazardous wastes in the notification, and obtaining consent from USEPA and the competent authorities in the new country of import and any transit countries, as necessary, prior to re-export.

4) A contract must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three

working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).

5) A contract must require that the foreign receiving facility send a copy of the signed and dated confirmation of recovery or disposal to the exporter and to the competent authority of the country of import, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).

6) A contract must require that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC17, (recovery and disposal operations defined in 35 Ill. Adm. Code 722.181) do the appropriate of the following:

A) Provide the notification required in subsection (f)(3)(B) prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and

B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility to the competent authority of the country of import within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16 or one of disposal operations D1 through D12, DC15, or DC16. The contracts must additionally require that the foreign facility send copies to USEPA at the same time using the WIETS described in subsection (b)(1).

7) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

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

8) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.

9) Upon request by USEPA or the Agency, U.S. exporters, importers, or recovery facilities must submit to the requestor copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

g) Annual reports. The exporter must file an annual report with USEPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. Prior to December 31, 2018, the exporter must mail or hand-deliver annual reports to USEPA for all shipments made the previous calendar year using one of the appropriate of the addresses specified in Section 722.182(e), or submit to USEPA using the WIETS described in subsection (b)(1) if the exporter has electronically filed USEPA information in AES per subsection (a)(6)(A)(i). Subsequently, the exporter must submit annual reports to USEPA using the WIETS described in subsection (b)(1). The annual report must include all of the following information:

- 1) The USEPA identification number, name, and mailing and site address of the exporter filing the report;
- 2) The calendar year covered by the report;
- 3) The name and site address of each foreign receiving facility;
- 4) By foreign receiving facility, for each hazardous waste exported:
 - A) A description of the hazardous waste;
 - B) The applicable USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721) for each waste;
 - C) The applicable waste code from the appropriate OECD waste list in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - D) The applicable USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - E) The name and USEPA identification number (where applicable) for each transporter used over the calendar year covered by the report; and
 - F) The consent numbers under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;

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

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

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

6) A certification signed by the exporter that states:

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

h) Exception Reports.

1) The exporter must file an exception report in lieu of the requirements of Section 722.142 (if applicable) with USEPA if any of the following occurs:

A) The exporter has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States within 45 days from the date hazardous waste was accepted by the initial transporter, in which case the exporter must file the exception report within the next 30 days;

B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection (d) within 90 days from the date the waste was accepted by the initial transporter in which case the exporter must file the exception report within the next 30 days; or

C) The foreign receiving facility notifies the exporter, or the country of import notifies USEPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter must file the exception report within 30 days of notification, or one day prior to the date the return shipment commences, whichever is sooner.

2) Prior to December 31, 2018, exception reports must be mailed or hand delivered to USEPA using the addresses listed in Section 722.182(e). Subsequently, exception reports must be submitted to USEPA using the WIETS described in subsection (b)(1).

i) Recordkeeping.

1) The exporter must keep the following records in subsections (i)(1)(A) through (i)(1)(E) and provide them to USEPA or Agency personnel upon request:

A) A copy of each notification of intent to export and each USEPA AOC for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

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

C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter;

D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment; and

E) A copy of each contract or equivalent arrangement established per Section 722.185 for at least three years from the expiration date of the contract or equivalent arrangement.

2) The exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the exporter bears no responsibility.

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

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

~~a) Applicability. Consent must be obtained from the competent authorities of the relevant OECD country of import and country of transit prior to exporting hazardous waste destined for recovery operations subject to this Subpart H. Hazardous wastes subject to Amber control procedures are subject to the requirements of subsection (b) of~~

~~this Section, and wastes that are not OECD listed waste are subject to the requirements of subsection (c) of this Section.~~

~~b) Amber wastes. Export of hazardous waste from the United States, as described in Section 722.180(a), that is subject to the Amber control procedures is prohibited unless the notification and consent requirements of subsection (b) (1) or subsection (b) (2) of this Section are met.~~

~~1) Transactions requiring specific consent.~~

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

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

~~C) Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the trans boundary movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.~~

~~2) Trans boundary movements to facilities pre approved by the competent authorities of the importing countries to accept specific wastes for recovery.~~

~~A) Notification. The exporter must provide USEPA and the Agency a notification that contains all of the information identified in subsection (d) of this Section in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification must indicate that the recovery facility is preapproved, and may apply to a single specific shipment or to multiple shipments as described in~~

~~subsection (b)(1)(A) of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "OECD Export Notification Pre-approved Facility" prominently displayed on the envelope. General notifications that cover multiple shipments as described in subsection (b)(1)(A) of this Section may cover a period of up to three years. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to Section 722.184.~~

~~B) Exports to pre approved facilities may take place after the elapse of seven working days from the issuance of an Acknowledgement of Receipt of the notification by the competent authority of the country of import, unless the exporter has received information indicating that the competent authority of any country concerned has objected to the shipment.~~

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

~~d) Notification information. Notifications submitted under this Section must include the following information:~~

- ~~1) The serial number or other accepted identifier of the notification document;~~
- ~~2) The exporter's name and USEPA identification number (if applicable), address, telephone, fax number, and email address;~~
- ~~3) The importing recovery facility's name, address, telephone, fax number, e mail address, and technologies employed;~~
- ~~4) The importer's name (if not the owner or operator of the recovery facility), address, and telephone, fax number, and e mail address; whether the importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 prior to delivering the waste to the final recovery facility; and identification of recovery operations to be employed at the final recovery facility;~~
- ~~5) The intended transporters' or their agents' address, telephone, fax, and e mail address;~~
- ~~6) The country of export and relevant competent authority and point of departure;~~
- ~~7) The countries of transit and relevant competent authorities and points of entry and departure;~~
- ~~8) The country of import and relevant competent authority and point of entry;~~

- 9) ~~A statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;~~
- 10) ~~The dates foreseen for commencement of trans boundary movements;~~
- 11) ~~The means of transport envisaged;~~
- 12) ~~The OECD waste designation (e.g., Green waste or Amber waste) for each waste type, a description of each waste type, the estimated total quantity of each waste type, the USEPA hazardous waste code for each waste type, and the United Nations number for each waste type;~~
- 13) ~~The specification of the recovery operation, as defined in Section 722.181; and~~
- 14) ~~A certification and declaration signed by the exporter that states as follows:~~

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

~~Name: _____
Signature: _____
Date: _____"~~

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

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

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

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

a) General Import Requirements.

1) With the exception of subsection (a)(5), the importer of a shipment covered under a consent from USEPA to the country of export issued before December 31, 2016 is subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any person that imports

hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart H.

2) Where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to USEPA in accordance with subsection (b).

3) The importer must comply with the contract requirements in subsection (f).

4) The importer must ensure compliance with the movement documents requirements in subsection (d); and

5) The importer must ensure compliance with the manifest instructions for import shipments in subsection (c).

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

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

Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using USEPA's WIETS. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information:

A) The foreign exporter name, address, telephone, fax numbers, and email address;

B) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

C) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;

D) The intended transporters or their agents; address, telephone, fax, and email address;

E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;

F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;

G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of exit for the country of export;

H) A statement of whether the notification covers a single shipment or multiple shipments;

I) The start and end dates requested for transboundary movements;

J) The planned means of transport;

K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each hazardous waste; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

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

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

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

Name:

Signature:

Date:

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

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

2) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in Section 722.181.

3) Renotifications. When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until USEPA and the countries of transit consent to the changes and the importer receives an USEPA AOC letter documenting the consents to the changes.

4) A notification is complete when USEPA determines the notification satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).

5) Where USEPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the importer documenting the countries' consents and USEPA's consent. Where any of the countries of transit or USEPA objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA will notify the importer.

6) Export of Hazardous Wastes Originally Imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183(b)(7).

c) RCRA Manifest Instructions for Import Shipments.

1) When importing hazardous waste, the importer must meet all the requirements of Section 722.120 for the manifest, with the following exceptions:

A) (Block 5): In place of the generator's name, address and USEPA identification number, the name and address of the foreign generator and the importer's name, address and USEPA identification number must be used.

B) (Block 15): In place of the generator's signature on the certification statement, the importer or its agent must sign and date the certification and obtain the signature of the initial transporter.

2) The importer may obtain the manifest form from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

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

3) In the International Shipments block (block 16), the importer must check the import box and enter the point of entry (city and state) into the United States.

4) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3) and 725.171(a)(3).

5) In lieu of the requirements of Section 722.120(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to do the following:

A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

B) Revise the manifest in accordance with the importer's instructions.

d) Movement Document Requirements for Import Shipments.

1) The importer must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer prior to shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (d)(1)(B).

A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.

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

2) The movement document must include the following:

A) The corresponding USEPA AOC numbers and USEPA hazardous waste numbers for the listed waste;

B) The shipment number and the total number of shipments under the USEPA AOC number;

C) The foreign exporter name, address, telephone, fax numbers, and email address;

D) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

E) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;

F) A description of each hazardous waste, quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

G) The date movement commenced;

H) The name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment;

I) The company name, USEPA identification number, address, telephone, fax, and email address of all transporters;

J) Identification (license, registered name or registration number) of the means of transport, including types of packaging;

K) Any special precautions to be taken by transporters;

L) A declaration and certification signed and dated by the foreign exporter that the information in the movement document is complete and correct;

M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);

N) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and

O) The receiving facility must send a copy of the signed movement document to the competent authorities of the countries of export and transit to confirm receipt within three working days after shipment delivery to the foreign exporter. For shipments received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.

e) Duty to Return or Export Hazardous Wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents, the provisions of subsection (f)(4) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subsection (b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

f) Import Contract Requirements.

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

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

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

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

- C) Each person that will have legal control of the hazardous wastes;
and
- D) The receiving facility.
- 3) A contract or equivalent arrangements must specify the use of a movement document in accordance with Section 722.184(d).
- 4) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if the wastes' disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, the contract must specify each of the following:
- A) That the transporter or receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the foreign exporter, the importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and
- B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of the hazardous wastes, if necessary, providing the notification for re-export as required by Section 722.183(b)(7).
- 5) A contract must specify that the importer or the receiving facility performing interim recycling operations R12, R13, or RC16 or interim disposal operations D13 through D15 or DC15 through DC17, as appropriate, will provide the notification required by Section 722.183(b)(7) prior to the re-export of hazardous waste. The recovery and disposal operations in this subsection are defined in Section 722.181.
- 6) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

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

7) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.

8) Upon request by USEPA, an importer or disposal or recovery facility must submit to USEPA copies of the contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

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

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

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

h) Recordkeeping.

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

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

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

2) The receiving facility must keep the following records:

A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three years from the date it received the hazardous waste;

B) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years from the date that it completed processing the waste shipment;

C) For the receiving facility that performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17 (recovery and disposal operations defined in Section 722.181), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to the receiving facility for at least three years from the date that the final recovery or disposal facility completed processing the waste shipment; and

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

3) An importers or receiving facility may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this Section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the importer or receiving facility bears no responsibility.

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

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

~~a) All U.S. parties subject to the contract provisions of Section 722.185 must ensure that a movement document meeting the conditions of subsection (b) of this Section accompanies each trans boundary movement of wastes subject to Amber control procedures from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or sorted by the importer prior to shipment to the final recovery facility, except as provided in this subsection (a).~~

~~1) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must forward the movement document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures at Section 722.123(e)).~~

~~2) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must forward the movement document with the manifest (in accordance with the routing procedures for the manifest in Section 722.123(d)) to the next non rail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.~~

~~b) The movement document must include all information required under Section 722.183 (for notification) as well as the following information:~~

~~1) The date movement commenced;~~

~~2) The name (if not the exporter), address, telephone, fax numbers, and e-mail of the primary exporter;~~

~~3) The company name and USEPA identification number of all transporters;~~

~~4) Identification (license, registered name, or registration number) of means of transport, including types of packaging envisaged;~~

~~5) Any special precautions to be taken by transporters;~~

~~6) A certification or declaration signed by the exporter that no objection to the shipment has been lodged as follows:~~

~~"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or must be in force covering the trans boundary movement, and that (delete sentences that are not applicable):"~~

~~"1. All necessary consents have been received.";~~

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

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

~~"Name: _____"~~

~~Signature: _____"~~

~~Date: _____"; and~~

~~7) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the recovery facility).~~

~~e) Exporters also must comply with the special manifest requirements of Section 722.154(a), (b), (c), (e), and (i) and importers must comply with the import requirements of Subpart F of this Part.~~

~~d) Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the movement document (e.g., transporter, importer, and owner or operator of the recovery facility).~~

~~e) Within three working days after the receipt of imports subject to this Subpart H, the owner or operator of the U.S. recovery facility must send signed copies of the movement document to the exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the country of export and country of transit. If the concerned U.S. recovery facility is an R12-~~

~~or R13 recovery operation facility, as defined in Section 722.181, the facility owner or operator must retain the original of the movement document for three years.~~

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

Section 722.185 Contracts (Repealed)

~~a) Trans boundary movements of hazardous wastes subject to the Amber control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the exporter and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.~~

~~b) Contracts or equivalent arrangements must specify the following names and USEPA identification numbers, where available:~~

- ~~1) The generator of each type of waste;~~
- ~~2) Each person that will have physical custody of the wastes;~~
- ~~3) Each person that will have legal control of the wastes; and~~
- ~~4) The recovery facility.~~

~~c) Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify the following:~~

~~1) That the person having actual possession or physical control over the wastes will immediately inform the exporter and the competent authorities of the country of export and country of import and, if the wastes are located in a country of transit, the competent authorities of that country; and~~

~~2) That the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of wastes and, as the case may be, shall provide the notification for re-export.~~

~~d) Contracts must specify that the importer will provide the notification required in Section 722.182(c) prior to re-export of controlled wastes to a third country.~~

~~e) Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any country concerned, in accordance with applicable national or international law requirements.~~

~~BOARD NOTE: Financial guarantees so required are intended to provide for alternative recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The U.S. does~~

~~not require such financial guarantees at this time; however, some OECD member countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, a transporter or importer may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.~~

~~f) Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.~~

~~g) Upon request by USEPA or the Agency, a U.S. exporter, importer, or recovery facility must submit to USEPA and the Agency copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 35 Ill. Adm. Code 130 will be treated as confidential and will be disclosed by the Agency only as provided in 35 Ill. Adm. Code 130.~~

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

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

Section 722.186 Provisions Relating to Recognized Traders (Repealed)

~~a) A recognized trader that takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable federal laws.~~

~~b) A recognized trader acting as an exporter or importer for trans boundary shipments of waste must comply with all the exporter or importer requirements of this Subpart H.~~

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

Section 722.187 Reporting and Recordkeeping (Repealed)

~~a) Annual reports. For all waste movements subject to this Subpart H, persons (e.g., exporters, recognized traders, etc.) that meet the definition of primary exporter in Section 722.151 or which initiate the movement documentation pursuant to Section 722.184 must file an annual report with the Office of Enforcement and Compliance Assurance, Office-~~

~~of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.~~

~~(If the primary exporter or the person that initiates the movement document under Section 722.184 is required to file an annual report for waste exports that are not covered under this Subpart H, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section.) Such reports must include all of the following information:~~

- ~~1) The USEPA identification number, name, and mailing and site address of the exporter filing the report;~~
- ~~2) The calendar year covered by the report;~~
- ~~3) The name and site address of each final recovery facility;~~
- ~~4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721); the OECD waste designation, as defined in Section 722.181, the USDOT hazard class; the name and USEPA identification number (where applicable) for each transporter used; the total amount of hazardous waste shipped pursuant to this Subpart H; and the number of shipments pursuant to each notification;~~
- ~~5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:
 - ~~A) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and~~
 - ~~B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and~~~~
- ~~6) A certification signed by the person acting as primary exporter or initiator of the movement document under Section 722.184 that states as follows:~~

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

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

- 1) ~~The person has not received a copy of the movement documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;~~
- 2) ~~Within 90 days from the date the waste was accepted by the initial transporter, the exporter has not received written confirmation from the recovery facility that the hazardous waste was received; or~~
- 3) ~~The waste is returned to the United States.~~

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

~~e) Recordkeeping.~~

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

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

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

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

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

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

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

Section 722.189 OECD Waste Lists (Repealed)

~~a) General. For the purposes of this Subpart H, a waste is considered hazardous under U.S. national procedures, and hence subject to this Subpart H, if the following is true of the waste:~~

~~1) The waste meets the federal definition of hazardous waste in 35 Ill. Adm. Code 721.103; and~~

~~2) The waste is subject to any of the following requirements:~~

~~A) The hazardous waste manifesting requirements of Subpart B of this Part, those of corresponding subpart B of 40 CFR 262, or those of a sister state that are analogous to subpart B of 40 CFR 262;~~

~~B) The universal waste management standards of 35 Ill. Adm. Code 733, those of corresponding 40 CFR 273, or those of a sister state that are analogous to 40 CFR 273,~~

~~C) The export requirements in the spent lead acid battery management standards of Subpart G of 35 Ill. Adm. Code 726, those of corresponding subpart G of 40 CFR 266, or those of a sister state that are analogous to the export requirements in subpart G of 40 CFR 266.~~

~~b) If a waste is hazardous under subsection (a) of this Section, it is subject to the Amber control procedures, regardless of whether it is Amber waste, as defined in Section 722.181.~~

~~e) The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Section 722.182.~~

~~d) This subsection (d) corresponds with 40 CFR 262.89(e), which incorporates the OECD Guidance Manual by reference. This statement maintains structural consistency with the corresponding federal regulations.~~

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

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

Section 722.300 Definitions

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

"College or University" means a private or public post-secondary degree-granting academic institution that is accredited by an accrediting agency listed annually by the U.S. Department of Education. BOARD NOTE: The Department of Education maintains on-line lists of accrediting agencies on the Internet at the following address:
www.ed.gov/?admins/?findaid/?accred/?accreditation_pg6.html#NationallyRecognized.

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

"Formal written affiliation agreement" for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research or education and which

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

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

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

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

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

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

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

"Trained professional" means a person who has completed the applicable RCRA training requirements of 35 Ill. Adm. Code ~~722.117-725.116, 722.117.~~ for an LQG ~~a large quantity generator~~, or who is knowledgeable about normal operations and emergencies in accordance with Section ~~722.116-722.134(d)(5)(C), 722.116.~~ for an SQG ~~a small quantity generator or VSQG-conditionally exempt small quantity generator~~ or VSQG. A trained professional may be an employee of the eligible academic entity or a contractor or vendor who meets the requisite training requirements.

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

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

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

Section 722.301 Applicability

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

b) ~~VSQGs~~ ~~Conditionally exempt small quantity generators~~ VSQGs. This Subpart K provides alternative requirements to the conditional exemption set forth in 35 Ill. Adm. Code 722.114 ~~721.105(b)~~ for the accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

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

Section 722.302 Opting into the Subpart K Requirements

a) LQGs ~~Large quantity generators~~ and SQGs ~~small quantity generators~~. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the requirements set forth in Sections 722.111 and ~~722.115-722.134(e)-722.115.~~

b) ~~VSQGs~~ ~~Conditionally exempt small quantity generators~~ VSQGs. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the conditional exemption of 35 Ill. Adm. Code ~~722.114-721.105(b)-722.114.~~

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

Section 722.303 Notice of Election into the Subpart K Requirements

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

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12).". ~~This is the title that appears on the face of the form~~. The title on ~~the pre-pended instructions for~~ USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity." USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:
www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-andwww.epa.gov/osw/?inforesources/data/form8700/78700-12.pdf. ~~Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities and.~~

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

"1. Reason for Submittal"

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

"3. Site Name"

"4. Site Location Information"

"5. Site Land Type"

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

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

"7. Site Mailing Address"

"8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form
8700-12, as filed with the Agency pursuant to subsection (a) ~~of this~~
~~Section~~, on file at the eligible academic entity for as long as its
laboratories are subject to this Subpart K.

d) A teaching hospital that is not owned by a college or university
must keep a copy of its formal written affiliation agreement with a
college or university on file at the teaching hospital for as long as
its laboratories are subject to this Subpart K.

e) A non-profit research institute that is not owned by a college or
university must keep a copy of its formal written affiliation agreement
with a college or university on file at the non-profit research
institute for as long as its laboratories are subject to this Subpart K.

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

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

a) If an eligible academic entity elects to no longer remain subject
to the requirements of this Subpart K for all the laboratories that the
eligible academic entity owns or operates under the same USEPA
identification number, it elects to instead comply with the requirements

set forth in Sections 722.111 and ~~722.115-722.134(e), 722.115~~, which are the generally applicable standards for SQGs ~~small quantity generators~~ and LQGs ~~large quantity generators~~. An eligible academic entity must notify the Agency and USEPA Region 5 in writing of this election using the USEPA Form 8700-12. If the eligible academic entity is a VSQG ~~CESQG~~ that does not have a USEPA identification number, it must notify the Agency and USEPA Region 5 that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that ~~are on-site~~ are on-site. The eligible academic entity that is a VSQG ~~CESQG~~ that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code ~~722.114-721.105(b), 722.114~~. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG ~~CESQG~~ with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG ~~CESQG~~) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency and USEPA Region 5 before it begins operating under the standards ~~requirements set forth in~~ Sections 722.111 and ~~722.115-722.134(e), 722.115~~, which are the generally applicable standards for SQGs ~~small quantity generators~~ and LQGs ~~large quantity generators~~, or 35 Ill. Adm. Code ~~722.114-721.105(b), 721.114~~, which are the generally applicable standards for VSQGs ~~conditionally exempt small quantity generators~~.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". ~~This is the title that appears on the face of the form~~. The title on ~~the pre-pended instructions for~~ USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity". USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:
www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-andwww.epa.gov/osw/?inforesources/?data/form8700/?8700-12.pdf. ~~Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities and .~~

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

"1. Reason for Submittal"

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

"3. Site Name"

"4. Site Location Information"

"5. Site Land Type"

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

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

"7. Site Mailing Address"

"8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a) ~~of this Section~~, on file at the eligible academic entity for three years after the date of the notification of withdrawal.

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

Section 722.306 Container Standards in the Laboratory

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

a) Labeling: The eligible academic entity must label containers of unwanted material as follows:

1) The following information must be affixed or attached to the container:

A) The words "unwanted material", or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and

B) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to, the following:

i) The name of the chemicals; or

ii) The type or class of chemicals, such as organic solvents or halogenated organic solvents.

2) The following information may be affixed or attached to the container, but must be associated with the container if not attached to it:

A) The date on which the unwanted material first began accumulating in the container; and

B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a hazardous waste and to assign the proper USEPA ~~waste-hazardous waste numbers-codes~~ to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:

i) The name or description of the chemical contents or the composition of the unwanted material or, if known, the product of the chemical reaction;

ii) Whether the unwanted material has been used or is unused; and

iii) A description of the manner in which the chemical was produced or processed, if applicable.

b) Management of Containers in the Laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and which prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:

1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;

2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and

3) Containers must be kept closed at all times, except under the following circumstances:

A) A container may be open when adding, removing, or bulking unwanted material;

B) A working container may be open until the end of the procedure, until the end of the work shift, or until it is full, whichever comes first, at which time either the working container must be closed or its contents emptied into a separate container that is then closed; or

C) A container may be open when venting of a container is necessary for either of the following reasons:

i) It is necessary for the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs; or

ii) It is necessary to prevent dangerous situations, such as a build-up of extreme pressure.

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

Section 722.307 Personnel Training

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

a) It must provide training for laboratory workers and students that is commensurate with their duties, so that the workers and students understand the requirements of this Subpart K and can implement them.

b) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including, but not limited to, any of the following:

1) Instruction by the professor or laboratory manager before or during an experiment;

2) Formal classroom training;

3) Electronic or written training;

4) On-the-job training; or

5) Written or oral exams.

c) An eligible academic entity that is an LQG ~~a large quantity generator~~ (see Section 722.127) must maintain for the durations specified in 35 Ill. Adm. Code 725.116(e) documentation which is sufficient to demonstrate that training for all laboratory workers has occurred. Examples of documentation which demonstrates that training has occurred can include, but are not limited to, the following:

1) Sign-in or attendance sheets for training sessions;

2) Syllabi for training sessions;

3) Certificates of training completion; or

4) Test results.

d) A trained professional is required for either of the following tasks:

1) A trained professional must accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and

2) A trained professional must make the hazardous waste determination for unwanted material, pursuant to Section 722.111(a) through (d).

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

Section 722.308 Removing Unwanted Material from the Laboratory

a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must do either of the following:

1) It must remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 12-~~six~~ months; or

2) It must remove containers of unwanted material from each laboratory within 12 ~~six~~ months after each container's accumulation start date.

b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subsection (a)(1) or (a)(2) ~~of this Section~~ for the regular removal of unwanted material from its laboratories.

c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subsection (a)(1) or (a)(2) ~~of this Section~~ and how the eligible academic entity will develop a schedule for regular removals of unwanted material from its laboratories.

d) Removing containers of unwanted material when volumes are exceeded.

1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons (208 l) before the regularly scheduled removal, the eligible academic entity must ensure that the following requirements are fulfilled for all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 l) was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days after the date on which 55 gallons (208 l) was exceeded, or on the date of the next regularly scheduled removal, whichever comes first.

2) If a laboratory accumulates more than one quart (0.946 l) of liquid reactive acutely hazardous unwanted material or more than 1 kg (2.2 ~~pounds~~ lbs) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that the following requirements are fulfilled for all containers of reactive acutely hazardous unwanted material:

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which one quart (0.946 l) or 1 kg was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days after the date on which one quart (0.946 l) or 1 kg was exceeded, or at the next regularly scheduled removal, whichever comes first.

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

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

a) LQGs ~~large quantity generators~~ and SQGs ~~small quantity generators~~. An eligible academic entity that is an LQG ~~a large quantity generator~~ or an SQG ~~a small quantity generator~~ must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:

1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;

2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or

3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.

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

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

Section 722.310 Hazardous Waste Determination in the Laboratory

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

- a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111(a) through (d), before the unwanted material is removed from the laboratory.
- b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:
 - 1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;
 - 2) It must write the appropriate USEPA hazardous waste numbers ~~codes~~ on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category ~~status~~, pursuant to 35 Ill. Adm. Code ~~722.113-721.105(e) and (d)~~, 721.113, in the calendar month that the hazardous waste determination was made.
- c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.
- d) When hazardous waste is removed from the laboratory, the following requirements apply:
 - 1) An eligible academic entity that is an LQG ~~a large quantity generator~~ or an SQG ~~a small quantity generator~~ must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.
 - 2) An eligible academic entity that is a VSQG ~~conditionally exempt small quantity generator~~ must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in 35 Ill. Adm. Code ~~722.114-721.105(f)(3), for acute hazardous waste, or 35 Ill. Adm. Code 721.105(g)(3), for hazardous waste.~~ 721.114.

e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

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

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

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

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.

b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.

c) The unwanted material becomes subject to the generator accumulation regulations of Section 722.116 ~~722.134(a) (or Section 722.134(j) and (k) for a Performance Track member), for an SQG a large quantity generator for an SOG,~~ or Section 722.117 ~~722.134(d) through (f),~~ for an LQG ~~a small quantity generator,~~ as soon as the material arrives in the central accumulation area, except for the "hazardous waste" labeling requirements of Sections 722.116(b)(6) and 722.117(a)(5) ~~Section 722.134(a)(3) (or Section 722.134(j)(6) for a Performance Track member).~~

d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at the on-site central accumulation area.

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, within four calendar days after the unwanted material has arrived at the on-site central accumulation area and before the hazardous waste may be removed from that area;

2) It must write the appropriate USEPA hazardous waste numbers ~~codes~~ on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported offsite;

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category ~~status~~, pursuant to 35 Ill. Adm. Code ~~722.113 721.105(e) and (d)~~, 722.113, in the calendar month that the hazardous waste determination was made; and

4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

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

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

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage, or disposal facility;

b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site interim status or permitted treatment, storage, or disposal facility;

c) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives at the on-site treatment, storage, or disposal facility;

d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container within four calendar days after the unwanted material has arrived at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from that facility;

2) It must write the appropriate USEPA hazardous waste numbers ~~codes~~ on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site;

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category ~~status~~, pursuant to 35 Ill. Adm. Code 722.113 ~~721.105(e) and (d)~~ in the calendar month that the hazardous waste determination was made; and

4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

Section 722.313 Laboratory Clean-Outs

a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:

1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 l) (or one quart (0.946 l) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 l) (or one quart (0.946 l) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;

2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator category ~~status~~, pursuant to 35 Ill. Adm. Code ~~722.113 721.105(e) and (d)~~, 722.113, a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and which is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator category ~~status~~, pursuant to 35 Ill. Adm. Code ~~722.113 721.105(e) and (d)~~, 722.113, if it is determined to be hazardous waste;

3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator category ~~status~~ under subsection (a) (2) ~~of this Section~~, and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of ~~non-acute~~ hazardous waste (i.e., the VSQG ~~conditionally exempt small quantity generator~~ limits, as defined in §40 CER 260.10 ~~of 35 Ill. Adm. Code 721.105~~), the hazardous waste is subject

constituting a violation of this Subpart K. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it so chooses.

a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Part I must describe procedures for container labeling in accordance with Section 722.306(a), as follows:

A) Identification whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identification of an equally effective term that the eligible academic entity will consistently use in lieu of "unwanted material". The equally effective term, if used, has the same meaning as the term "unwanted material", and the material is subject to the same requirements as if it were called "unwanted material"; and

B) Identification of the manner in which information that is "associated with the container" will be imparted.

2) Identification whether the eligible academic entity will comply with Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.

b) In Part II of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Description of its intended best practices for container labeling and management (see the required standards at Section 722.306);

2) Description of its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at Section 722.307(a));

3) Description of its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at Section 722.307(d)(1));

4) Description of its intended best practices for removing unwanted material from the laboratory, including the following:

A) For regularly scheduled removals, a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at Section 722.308(a)(1) and (a)(2));

B) For removals when maximum volumes are exceeded, the following:

i) Description of the eligible academic entity's intended best practices for removing unwanted materials from the laboratory within 10 calendar days after the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and

ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes;

5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at Sections 722.111(a) through (d) and 722.309 through 722.312);

6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:

A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (a)(3)); and

B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4));

7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:

A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;

B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;

C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and

D) Procedures for the timely characterization of unknown chemicals.

c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who may request it.

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

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

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

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

a) That hazardous waste remains subject to the generator requirements of Sections 722.111 and 722.115 ~~722.134(e)~~ for an LQG ~~a large quantity generator~~ or an SQG ~~a small quantity generator~~ (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 40 CFR 722; or

b) That hazardous waste remains subject to the conditional exemption of 35 Ill. Adm. Code 722.114 ~~721.105(b)~~ for a VSQG ~~conditionally exempt small quantity generator~~.

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

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section 722.330 Applicability

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

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

Section 722.331 Definitions for This Subpart L

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

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

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

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

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

a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:

1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional planned episodic event is necessary, as provided in Section 262.233;

2) Notification. The VSQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);

3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12;

4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:

A) Containers. A VSQG accumulating in containers must mark or label its containers with the following:

i) The words "Episodic Hazardous Waste";

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

iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. A VSQG accumulating episodic hazardous waste in tanks must do the following:

- i) Mark or label the tank with the words "Episodic Hazardous Waste";
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and
 - iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.
- C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;
- i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and
 - ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.
- 5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.
- 7) A VSQG must maintain the following records for three years from the end date of the episodic event:
- A) The beginning and end dates of the episodic event;

- B) A description of the episodic event;
 - C) A description of the types and quantities of hazardous wastes generated during the event;
 - D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;
 - E) The names of hazardous waste transporters; and
 - F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.
- b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:
- 1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional planned episodic event is necessary, as provided in Section 262.233;
 - 2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;
 - 3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and
 - 4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads or in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:
 - A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:
 - i) The words "Episodic Hazardous Waste";

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

iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 262.16(b)(3) and must do the following:

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

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

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

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

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

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

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

B) A description of the episodic event;

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

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

E) The names of hazardous waste transporters; and

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

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

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

a) A generator may submit a written request to the Agency for a second episodic event in a calendar year without impacting its generator category under the following conditions:

1) If a VSQG or SQG has already held a planned episodic event in a calendar year, the generator may submit a written request to the Agency for an additional unplanned episodic event in that calendar year within 72 hours of the unplanned event.

2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year, the generator may submit a written request to the Agency for an additional planned episodic event in that calendar year.

b) The written request must include the following:

1) The reasons why an additional episodic event is needed and the nature of the episodic event;

2) The estimated amount of hazardous waste to be managed from the event;

3) How the generator will manage the hazardous waste;

4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event-not to exceed 60 days; and

5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

c) The generator must submit the writtin request to the Agency in writing, either on paper or electronically.

d) The generator must retain written approval in its records for three years from the date the episodic event ended.

BOARD NOTE: Agency consideration of a request submitted under this Section is in the nature of a permit determination, even though USEPA appears to intend that the determination occur within 72 hours. Any Agency determination is reviewable by the Board pursuant to Section 40 of the Act. Any Agency determination made under this Section is not a "RCRA permit₇", as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705.

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

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

Section 722.350 Applicability

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

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

Section 722.351 Maintenance and Operation of Facility

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

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

Section 722.352 Required Equipment

The LQG must equip all areas to which Section 262.250 deems this Subpart M applicable with the items in subsections (a) through (d) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this Section or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this Section). An LQG may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies. The LQG must have the appropriate of the following equipment:

- a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning

emergency assistance from local police departments, fire departments, or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

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

Section 722.353 Testing and Maintenance of Equipment

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

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

Section 722.354 Access to Communications or Alarm System

a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., either directly or through direct, unimpeded visual or voice contact with another employee) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 262.252.

b) In the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 262.252.

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

Section 722.355 Required Aisle Space

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

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

Section 722.356 Arrangements with Local Authorities

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

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction:

www.illinois.gov/?iema/Preparedness/?SERC/?Documents/?LEPC_ReleaseReportingContactList.pdf.

1) An LQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

2) As part of this coordination, the LQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

3) Where more than one police or fire department might respond to an emergency, the LQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

b) The LQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that the LQG attempted to make these arrangements.

c) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the State or facility's locality as far as needing to make arrangements with the local fire department, as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

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

Section 722.360 Purpose and Implementation of Contingency Plan

a) An LQG must have a contingency plan for the facility. The LQG must design the contingency plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

b) The LQG must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

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

Section 722.361 Content of Contingency Plan

a) The contingency plan must describe the actions required of facility personnel to comply with Sections 722.360 and 722.365 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112 or some other emergency or contingency plan, the generator needs only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this Part. The generator may develop one contingency plan that meets all regulatory standards.

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

c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee, if applicable, pursuant to Section 262.256.

d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see Section 262.264), and the generator must keep this list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. If the generator facility has an

emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor), as well as an emergency telephone number that will be answered at all times.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. The generator must keep this list up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

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

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

Section 722.362 Copies of Contingency Plan

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

a) The LQG must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services). The generator may also submit this document to the Local Emergency Planning Committee, as appropriate.

b) An LQG that first becomes subject to these provisions or an LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:

1) The types or names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid, etc.);

2) The estimated maximum amount of each hazardous waste that may be present at any one time;

3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;

4) A map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes;

5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

6) The locations of water supply (e.g., fire hydrants and their flow rate);

7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms, etc.); and

8) The name of the emergency coordinators and 24/7 emergency telephone numbers or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

c) A generator must update its quick reference guides, if necessary, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee.

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

Section 722.363 Amendment of Contingency Plan

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

a) Applicable regulations are revised;

b) The plan fails in an emergency;

c) The generator facility changes— in its design, construction, operation, maintenance, or other circumstances— in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or which changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

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

Section 722.364 Emergency Coordinator

At all times, at least one employee must be either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in Section 262.265. Although responsibilities may vary depending on factors such as type and variety of hazardous wastes handled by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

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

Section 722.365 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately undertake the following actions:

1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

2) Notify appropriate state or local agencies with designated response roles if their help is needed.

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

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

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator must report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate

local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

- A) The name and telephone number of the reporter;
- B) The name and address of the generator;
- C) The time and type of incident (e.g., release, fire, etc.);
- D) The name and quantity of materials involved, to the extent known;
- E) The extent of injuries, if any; and
- F) The possible hazards to human health or the environment outside the facility.

e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

f) If the generator stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements and conditions for exemption in 35 Ill. Adm. Code 722, 723, and 725.

h) The emergency coordinator must ensure that the following is true in the affected areas of the facility:

1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

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Total changes	777

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 722
7 STANDARDS APPLICABLE TO
8 GENERATORS OF HAZARDOUS WASTE
9

10 SUBPART A: GENERAL
11

12 Section

13	<u>722.101</u>	<u>Definitions</u>
14	<u>722.105</u> 722.113	<u>Electronic Reporting</u>
15	722.110	Purpose, Scope, and Applicability
16	722.111	Hazardous Waste Determination
17	722.112	USEPA Identification Numbers (<u>Repealed</u>)
18	<u>722.113</u>	<u>Generator Category Determination</u>
19	<u>722.114</u>	<u>Conditions for Exemption for a Very Small Quantity Generator</u>
20	<u>722.115</u>	<u>Satellite Accumulation Area Regulations for a Small Quantity Generator or</u>
21		<u>Large Quantity Generator</u>
22	<u>722.116</u>	<u>Conditions for Exemption for a Small Quantity Generator That Accumulates</u>
23		<u>Hazardous Waste</u>
24	<u>722.117</u>	<u>Conditions for Exemption for a Large Quantity Generator That Accumulates</u>
25		<u>Hazardous Waste</u>
26	<u>722.118</u>	<u>USEPA Identification Numbers and Re-Notification for a Small Quantity</u>
27		<u>Generator or Large Quantity Generator</u>

28
29 SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
30 SMALL AND LARGE QUANTITY GENREATORS
31

32 Section

33	722.120	General Requirements
34	722.121	Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
35	722.122	Number of Copies
36	722.123	Use of the Manifest
37	722.124	Use of the Electronic Manifest
38	722.125	Electronic Manifest Signatures
39	722.127	Waste Minimization Certification

40
41 SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO
42 SMALL AND LARGE QUANTITY GENERATORS
43

44	Section	
45	722.130	Packaging
46	722.131	Labeling
47	722.132	Marking
48	722.133	Placarding
49	722.134	Accumulation Time <u>(Repealed)</u>
50	<u>722.135</u>	<u>Liquids in Landfills Prohibition</u>

51
52 SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
53 APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS
54

55	Section	
56	722.140	Recordkeeping
57	722.141	Annual Reporting <u>for Large Quantity Generators</u>
58	722.142	Exception Reporting
59	722.143	Additional Reporting
60	722.144	<u>Recordkeeping</u> <u>Special Requirements for Small Quantity Generators of between</u> 61 100 and 1,000 kilograms per month
62	722.150	Applicability <u>(Repealed)</u>
63	722.151	Definitions <u>(Repealed)</u>
64	722.152	General Requirements <u>(Repealed)</u>
65	722.153	Notification of Intent to Export <u>(Repealed)</u>
66	722.154	Special Manifest Requirements <u>(Repealed)</u>
67	722.155	Exception Report <u>(Repealed)</u>
68	722.156	Annual Reports <u>(Repealed)</u>
69	722.157	Recordkeeping <u>(Repealed)</u>
70	722.158	International Agreements <u>(Repealed)</u>
71	722.160	Imports of Hazardous Waste <u>(Repealed)</u>

72
73 SUBPART G: FARMERS
74

75	Section	
76	722.170	Farmers

77
78 SUBPART H: TRANS-BOUNDARY SHIPMENTS OF
79 HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL
80

81	Section	
82	722.180	Applicability
83	722.181	Definitions
84	722.182	General Conditions
85	722.183	<u>Exports of Hazardous Waste</u> <u>Notification and Consent</u>
86	722.184	<u>Imports of Hazardous Waste</u> <u>Movement Document</u>

- 87 722.185 Contracts (Repealed)
- 88 722.186 Provisions Relating to Recognized Traders (Repealed)
- 89 722.187 Reporting and Recordkeeping (Repealed)
- 90 722.189 OECD Waste Lists (Repealed)

91

92 SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE

93 DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR

94 LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

- 96 Section
- 97 722.300 Definitions
- 98 722.301 Applicability
- 99 722.302 Opting into the Subpart K Requirements
- 100 722.303 Notice of Election into the Subpart K Requirements
- 101 722.304 Notice of Withdrawal from the Subpart K Requirements
- 102 722.305 Summary of the Requirements of this Subpart K
- 103 722.306 Container Standards in the Laboratory
- 104 722.307 Personnel Training
- 105 722.308 Removing Unwanted Material from the Laboratory
- 106 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the
- 107 Laboratory
- 108 722.310 Hazardous Waste Determination in the Laboratory
- 109 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
- 110 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal
- 111 Facility
- 112 722.313 Laboratory Clean-Outs
- 113 722.314 Laboratory Management Plan
- 114 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
- 115 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

116

117 SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

- 118
- 119 Section
- 120 722.330 Applicability
- 121 722.331 Definitions for this Subpart L
- 122 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic
- 123 Event
- 124 722.333 Request to Manage One Additional Episodic Event Per Calendar Year

125

126 SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY

127 PROCEDURES FOR LARGE QUANTITY GENERATORS

- 128 Section
- 129 722.350 Applicability

130 722.351 Maintenance and Operation of Facility
 131 722.352 Required Equipment
 132 722.353 Testing and Maintenance of Equipment
 133 722.354 Access to Communications or Alarm System
 134 722.355 Required Aisle Space
 135 722.356 Arrangements with Local Authorities
 136 722.360 Purpose and Implementation of Contingency Plan
 137 722.361 Content of Contingency Plan
 138 722.362 Copies of Contingency Plan
 139 722.363 Amendment of Contingency Plan
 140 722.364 Emergency Coordinator
 141 722.365 Emergency Procedures
 142

143 722.APPENDIX A Hazardous Waste Manifest
 144

145 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 146 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
 147

148 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 149 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
 150 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,
 151 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at
 152 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,
 153 effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987;
 154 amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12
 155 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective
 156 December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;
 157 amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at
 158 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective
 159 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in
 160 R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg.
 161 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,
 162 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-
 163 10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-
 164 3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg.
 165 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20,
 166 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29
 167 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138,
 168 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective
 169 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008;
 170 amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-
 171 2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
 172 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24,

173 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at
174 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. _____; amended in
175 R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

176
177 **SUBPART A: GENERAL**

178
179 **Section 722.101 Definitions**

180
181 As used in this Part, the following terms have the following meanings:

182
183 "Condition for exemption" means any requirement in Sections 722.114 through
184 722.117, 722.170, or Subpart K or Subpart L that states an event, action, or
185 standard that must occur or be met in order to obtain an exemption from any
186 applicable requirement in 35 Ill. Adm. Code 702, 703, and 724 through 728, or
187 from any requirement for notification under section 3010 of RCRA (42 USC
188 6930).

189
190 "Independent requirement" means a requirement of this Part that states an event,
191 action, or standard that must occur or be met; and that applies without relation to,
192 or irrespective of, the purpose of obtaining a conditional exemption from storage
193 facility permit, interim status, and operating requirements under Sections 722.114
194 through 722.117, 722.170, or Subpart K or Subpart L.

195
196 (Source: Added at 42 Ill. Reg. _____, effective _____)

197
198 **Section 722.105722.113 Electronic Reporting**

199
200 The filing of any document pursuant to any provision of this Part as an electronic document is
201 subject to 35 Ill. Adm. Code 720.104.

202
203 BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and
204 271.12(h) (2017)(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

205
206 (Source: Renumbered from Section 722.113 and amended at 42 Ill. Reg. _____,
207 effective _____)

208
209 **Section 722.110 Purpose, Scope, and Applicability**

- 210
211 a) This Part establishes standards for generators of hazardous waste, as defined by
212 35 Ill. Adm. Code 720.110.
213

214 1) A person who generates a hazardous waste, as defined by 35 Ill. Adm.
215 Code 721, is subject to all the applicable independent requirements in the
216 following provisions:

217
218 A) Independent Requirements of a VSQG.

219
220 i) Section 722.111(a) through (d) (hazardous waste
221 determination and recordkeeping); and

222
223 ii) Section 722.113 (generator category determination).

224
225 B) Independent Requirements of a SQG.

226
227 i) Section 722.111 (hazardous waste determination and
228 recordkeeping);

229
230 ii) Section 722.113 (generator category determination);

231
232 iii) Section 722.118 (USEPA identification numbers and re-
233 notification for SQGs and LQGs);

234
235 iv) Subpart B (manifest requirements applicable to SQGs and
236 LQGs);

237
238 v) Subpart C (pre-transport requirements applicable to SQGs
239 and LQGs);

240
241 vi) Section 722.140 (recordkeeping);

242
243 vii) Section 722.144 (recordkeeping for SQGs); and

244
245 viii) Subpart H (transboundary movements of hazardous waste
246 for recovery or disposal).

247
248 C) Independent Requirements of a LQG.

249
250 i) Section 722.111 (hazardous waste determination and
251 recordkeeping);

252
253 ii) Section 722.113 (generator category determination);

254
255 iii) Section 722.118 (USEPA identification numbers and re-
256 notification for SQGs and LQGs);

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- iv) Subpart B (manifest requirements applicable to SQGs and LOGs);
- v) Subpart C (pre-transport requirements applicable to SQGs and LOGs);
- vi) Subpart D (recordkeeping and reporting applicable to SQGs and LOGs, except Section 722.144); and
- vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:

- A) A VSQG that meets the conditions for exemption in Section 722.114;
- B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or
- C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.

3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.

b) Determining Generator Category. A generator must use Section 722.11335 Ill. Adm. Code 721.105(e) and (d) to determine which the applicability of provisions of this Part that are applicable to the generator based on dependent on calculations of the quantity of hazardous waste generated per calendar month.

c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision. A generator that treats, stores, or disposes of a hazardous waste on-site must comply only with the following Sections of this Part with respect to that waste: Section 722.111, for determining whether or not the generator has a

300 hazardous waste; Section 722.112, for obtaining an USEPA identification
301 number; Section 722.140(e) and (d), for recordkeeping; Section 722.143, for
302 additional reporting; and Section 722.170, for farmers, if applicable.
303

- 304 d) Any person that exports or imports ~~hazardous~~ waste hazardous under U.S.
305 national procedures ~~to or from countries listed in Section 722.158(a)(1) for~~
306 ~~recovery~~, must comply with Section 722.118 and Subpart H of this Part.
307

308 BOARD NOTE: USEPA used identical language in corresponding 40 CFR
309 262.10(d), 262.58(a), and 262.80(a) to define when a waste is considered
310 hazardous under U.S. national procedures. The Board has chosen to create the
311 term "waste hazardous under U.S. national procedures"; add a definition in
312 Section 722.181, the centralized listing of definitions for Subpart H of this Part;
313 and replace USEPA's defining language in this subsection (a) with a cross-
314 reference to the definition in Section 722.181.
315

- 316 e) Any person that imports hazardous waste into the United States must comply with
317 the generator standards of this Part.
318

- 319 f) A farmer that generates waste pesticides that are hazardous waste and which
320 complies with Section 722.170 is not required to comply with other standards in
321 this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such
322 pesticides.
323

- 324 g) Generator Violation and Noncompliance. A person that generates a hazardous
325 waste, as defined by 35 Ill. Adm. Code 721, is subject to the compliance
326 requirements and penalties prescribed in Title VIII and XII of the Environmental
327 Protection Act if that person does not comply with this Part.
328

329 1) A generator's violation of an independent requirement is subject to
330 enforcement action under Title VIII of the Act, including Board orders,
331 and the penalties provided by Title XII of the Act.
332

333 2) A generator's noncompliance with a condition for exemption in this Part is
334 not subject to enforcement action under Title VIII of the Act, including
335 Board orders, and the penalties provided by Title XII of the Act as a
336 violation of a condition for exemption provided in this Part.
337

338 Noncompliance by any generator with an applicable condition for
339 exemption from storage permit and operations requirements means that
340 the facility is a storage facility operating without an exemption from the
341 permit, interim status, and operations requirements in 35 Ill. Adm. Code
342 702, 703, and 724 through 727, and the notification requirements of

343 section 3010 of RCRA (42 USC 6930). Without an exemption, any
 344 violations of such storage requirements are subject to enforcement action
 345 under Title VIII of the Act, including Board orders, and the penalties
 346 provided by Title XII of the Act.
 347

- 348 h) An owner or operator that initiates a shipment of hazardous waste from a
 349 treatment, storage, or disposal facility must comply with the generator standards
 350 established in this Part.
 351
- 352 i) A person responding to an explosives or munitions emergency in accordance with
 353 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code
 354 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is
 355 not required to comply with the standards of this Part.
 356
- 357 j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed
 358 and marked "reserved". This subsection corresponds with 40 CFR 262.10(j), a
 359 provision that relates only to facilities in the Commonwealth of Massachusetts.
 360 This statement maintains structural consistency with USEPA rules.
 361
- 362 k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates
 363 only to facilities in the Commonwealth of Massachusetts. This statement
 364 maintains structural consistency with USEPA rules.
 365
- 366 l) The laboratories owned by an eligible academic entity that chooses to be subject
 367 to the requirements of Subpart K ~~of this Part~~ are not subject to the requirements
 368 set forth in subsections (l)(1) and (l)(2) ~~of this Section~~, except as specifically
 369 otherwise provided in Subpart K ~~of this Part~~. For purposes of this subsection (l),
 370 the terms "laboratory" and "eligible academic entity" must ~~shall~~ have the meanings
 371 given them in Section 722.300.
 372
 - 373 1) The independent requirements of Section 722.111 or the regulations in
 374 Section 722.115, for an LQGa large quantity generator, or an SQG, except
 375 as provided in Subpart K Section 722.134(e), for a small quantity
 376 generator; and
 377
 - 378 2) The conditions of Section 262.1435 Ill. Adm. Code 721.105(b), for a
 379 VSQG, except as provided in Subpart K conditionally exempt small
 380 quantity generator.
 381

382 BOARD NOTE: ~~The provisions of Section 722.134 are applicable to the on-site~~
 383 ~~accumulation of hazardous waste by generators. Therefore, the provisions of Section~~
 384 ~~722.134 only apply to an owner or operator that is shipping hazardous waste which it~~
 385 ~~generated at that facility. A generator that treats, stores, or disposes of hazardous waste~~

386 on-site must comply with the applicable standards and permit requirements set forth in 35
 387 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

388
 389 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 390

391 **Section 722.111 Hazardous Waste Determination**
 392

393 A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an
 394 accurate determination as to whether~~determine~~ if that waste is a hazardous waste in order to
 395 ensure that the waste is properly managed according to applicable RCRA regulations. A
 396 hazardous waste determination is made using the following steps~~method~~:
 397

398 a) The hazardous waste determination for each solid waste must be made at the point
 399 of waste generation, before any dilution, mixing, or other alteration of the waste
 400 occurs, and at any time in the course of its management that it has, or may have,
 401 changed its properties as a result of exposure to the environment or other factors
 402 that may change the properties of the waste such that the RCRA classification of
 403 the waste may change.
 404

405 ba) The person ~~must~~should first determine whetherif the solid waste is excluded from
 406 regulation under 35 Ill. Adm. Code 721.104.
 407

408 cb) If the waste is not excluded under 35 Ill. Adm. Code 721.104, theThe person
 409 must~~should~~ then use knowledge of~~determine~~ if the waste to determine whether
 410 theis listed as a hazardous waste meets any of the listing descriptions under~~in~~
 411 Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in
 412 making an accurate determination as to whether the waste is listed may include
 413 waste origin, composition, the process producing the waste, feedstock, and other
 414 reliable and relevant information. If a waste is listed, the person may file a
 415 delisting petition under 35 Ill. Adm. Code 720.120 and 260.22 to demonstrate to
 416 the Administrator that the waste from this particular site or operation is not a
 417 hazardous waste.
 418

419 ~~BOARD NOTE: Even if a waste is listed as a hazardous waste, the generator still~~
 420 ~~has an opportunity under 35 Ill. Adm. Code 720.122 to demonstrate that the waste~~
 421 ~~from the generator's particular facility or operation is not a hazardous waste.~~
 422

423 e) ~~For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not~~
 424 ~~listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, the generator~~
 425 ~~must then determine whether the waste is identified in Subpart C of 35 Ill. Adm.~~
 426 ~~Code 721 by either of the following methods:~~
 427

428 1-) ~~Testing the waste according to the methods set forth in Subpart C of 35 Ill.~~

- 429 ~~Adm. Code 721, or according to an equivalent method approved by the~~
430 ~~Board under 35 Ill. Adm. Code 720.121; or~~
431
- 432 2) ~~Applying knowledge of the hazard characteristic of the waste in light of~~
433 ~~the materials or processes used.~~
434
- 435 d) The person then must also determine whether the waste exhibits one or more
436 hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by
437 following the procedures in subsection (d)(1) or (d)(2), or a combination of both.
438
- 439 1) The person must apply knowledge of the hazard characteristic of the waste
440 in light of the materials or the processes used to generate the waste.
441 Acceptable knowledge may include process knowledge (e.g., information
442 about chemical feedstocks and other inputs to the production process);
443 knowledge of products, by-products, and intermediates produced by the
444 manufacturing process; chemical or physical characterization of wastes;
445 information on the chemical and physical properties of the chemicals used
446 or produced by the process or otherwise contained in the waste; testing
447 that illustrates the properties of the waste; or other reliable and relevant
448 information about the properties of the waste or its constituents. A test
449 other than a test method set forth in Subpart C of 35 Ill. Adm. Code 721,
450 or an equivalent test method approved by the Agency or the Board under
451 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge
452 to determine whether a solid waste exhibits a characteristic of hazardous
453 waste. However, such tests do not, by themselves, provide definitive
454 results. Persons testing their waste must obtain a representative sample of
455 the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.
456
- 457 2) When available knowledge is inadequate to make an accurate
458 determination, the person must test the waste according to the applicable
459 methods set forth in Subpart C of 35 Ill. Adm. Code 721 or according to
460 an equivalent method approved by the Administrator under 35 Ill. Adm.
461 Code 720.121 and in accordance with the following:
462
- 463 A) A persons testing its waste must obtain a representative sample of
464 the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.
465
- 466 B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code
467 721, the results of the regulatory test, when properly performed,
468 are definitive for determining the regulatory status of the waste.
469
- 470 ed) If the generator determines that the waste is hazardous, the generator must refer to
471 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or

472 restrictions pertaining to the management of the specific waste.

- 473
- 474 f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records
- 475 supporting its hazardous waste determinations, including records that identify
- 476 whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code
- 477 721.103. Records must be maintained for at least three years from the date that
- 478 the waste was last sent to on-site or off-site treatment, storage, or disposal. These
- 479 records must comprise the generator’s knowledge of the waste and support the
- 480 generator’s determination, as described at subsections (c) and (d). The records
- 481 must include, but are not limited to, the following types of information: the
- 482 results of any tests, sampling, waste analyses, or other determinations made in
- 483 accordance with this Section; records documenting the tests, sampling, and
- 484 analytical methods used to demonstrate the validity and relevance of such tests;
- 485 records consulted in order to determine the process by which the waste was
- 486 generated, the composition of the waste, and the properties of the waste; and
- 487 records which explain the knowledge basis for the generator’s determination, as
- 488 described at subsection (d)(1). The periods of record retention referred to in this
- 489 Section are extended automatically during the course of any unresolved
- 490 enforcement action regarding the regulated activity or as requested in writing by
- 491 the Agency.

492

493 BOARD NOTE: Any Agency request for extended records retention under this

494 subsection (f) is subject to Board review pursuant to Section 40 of the Act.

- 495
- 496 g) Identifying USEPA hazardous Waste Numbers for SQGs and LQGs. If the waste
- 497 is determined to be hazardous, SQGs and LQGs must identify all applicable
- 498 USEPA hazardous waste numbers (USEPA hazardous waste numbers) in
- 499 Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site,
- 500 the generator also must mark its containers with all applicable USEPA hazardous
- 501 waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm.
- 502 Code 722.132.

503

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

505

506 **Section 722.112 USEPA Identification Numbers (Repealed)**

- 507
- 508 a) ~~A generator must not treat, store, dispose of, transport, or offer for transportation~~
- 509 ~~hazardous waste without having received a USEPA identification number from~~
- 510 ~~USEPA.~~
- 511
- 512 b) ~~A generator that has not received a USEPA identification number may obtain one~~
- 513 ~~by applying to USEPA Region 5 using USEPA Form 8700-12. The generator~~
- 514 ~~must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762),~~

515 and submit a completed copy of the form to the Bureau of Land, in addition to
 516 any notification directly to USEPA. Upon receiving the request USEPA will
 517 assign a USEPA identification number to the generator.
 518

- 519 e) A generator must not offer its hazardous waste to transporters or to treatment,
 520 storage or disposal facilities that have not received a USEPA identification
 521 number.
 522

523 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
 524

525 **Section 722.113 Generator Category Determination**
 526

527 A generator must determine its generator category. A generator's category is based on the
 528 amount of hazardous waste generated each calendar month and may change from calendar month
 529 to calendar month. This Section sets forth procedures to determine whether a generator is a
 530 VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code
 531 720.110.
 532

- 533 a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A
 534 generator that either generates acute hazardous waste or non-acute hazardous
 535 waste in a calendar month must determine its generator category for that month
 536 by doing the following:
 537

- 538 1) Counting the total amount of hazardous waste generated in the calendar
 539 month;
 540
 541 2) Subtracting from the total any amounts of waste exempt from counting, as
 542 described in subsections (c) and (d); and
 543
 544 3) Determining the resulting generator category for the hazardous waste
 545 generated using the table in subsection (g).
 546

- 547 b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that
 548 generates both acute hazardous waste and non-acute hazardous waste in the same
 549 calendar month must determine its generator category for that month by doing the
 550 following:
 551

- 552 1) Counting separately the total amount of acute hazardous waste and the
 553 total amount of non-acute hazardous waste generated in the calendar
 554 month;
 555
 556 2) Subtracting from each total any amounts of waste exempt from counting,
 557 as described in subsections (c) and (d);

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- 3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and
 - 4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.
- c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:
- 1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;
 - 6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;
 - 7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; or
 - 8) Hazardous waste that is managed as part of an episodic event in

601 compliance with the conditions of Subpart L.

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- d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:
 - 1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;
 - 2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and
 - 3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

- e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

- f) Mixing Hazardous Waste with Solid Waste.
 - 1) VSQG Waste.
 - A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
 - B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code

644 720.110. If the total quantity exceeds the very small generator
645 calendar quantity limits, to remain exempt from the permitting,
646 interim status, and operating standards, the VSQG must meet the
647 conditions for exemption applicable to either an SQG or an LQG.
648 The VSQG must also comply with the applicable independent
649 requirements for either an SQG or an LQG.

650
651 C) If a VSQG's waste is mixed with used oil, the mixture is subject to
652 35 Ill. Adm. Code 739. Any material produced from such a
653 mixture by processing, blending, or other treatment is also
654 regulated under 35 Ill. Adm. Code 739.

655
656 2) SQG and LQG Waste.

657
658 A) Hazardous wastes generated by an SQG or LQG may be mixed
659 with solid waste. These mixtures are subject to the following
660 requirements: the mixture rule in 35 Ill. Adm. Code
661 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition
662 against dilution rule at 35 Ill. Adm. Code 728.103(a); the land
663 disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a
664 characteristic hazardous waste is mixed with a solid waste so that it
665 no longer exhibits the hazardous characteristic; and the hazardous
666 waste determination requirement at Section 722.111.

667
668 B) If the resulting mixture described in subsection (f)(2)(A) is found
669 to be a hazardous waste, this resultant mixture is a newly-
670 generated hazardous waste. An SQG must count both the resultant
671 mixture amount plus the other hazardous waste generated in the
672 calendar month to determine whether the total quantity exceeds the
673 SQG calendar monthly quantity limits identified in the definition
674 of generator categories found in 35 Ill. Adm. Code 720.110. If the
675 total quantity exceeds the small generator calendar quantity limits,
676 to remain exempt from the permitting, interim status, and operating
677 standards, the SQG must meet the conditions for exemption
678 applicable to an LQG. The SQG must also comply with the
679 applicable independent requirements for an LQG.

680
681 g) Generator Categories Based on Quantity of Waste Generated in a Calendar
682 Month.
683

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

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

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

- a) Provided that a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these requirements, except that the VSQG must comply with this Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:
- 1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code 720.110;
 - 2) The VSQG complies with Section 722.111(a) through (d);
 - 3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code

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707 721.131 or 721.133(e), all quantities of that acute hazardous waste are
708 subject to the following additional conditions for exemption:

709
710 A) Such waste is held on site for no more than 90 days beginning on
711 the date when the accumulated wastes exceed the amounts
712 provided in subsection (a)(1); and

713
714 B) The conditions for exemption in Section 722.117(a) through (g).

715
716 4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of
717 non-acute hazardous waste, all quantities of that hazardous waste are
718 subject to the following additional conditions for exemption:

719
720 A) Such waste is held on site for no more than 180 days, or 270 days,
721 if applicable, beginning on the date when the accumulated waste
722 exceed the amounts provided in subsection (a)(1);

723
724 BOARD NOTE: Section 722.116(c) allows an SQG that must
725 transport its waste or offer its waste for transportation over a
726 distance of 200 miles for off-site treatment, storage, or disposal to
727 accumulate the waste for up to 270 days.

728
729 B) The quantity of waste accumulated on site never exceeds 6,000 kg
730 (13,200 lbs); and

731
732 C) The VSQG fulfills the conditions for exemption in Section
733 722.116(b)(2) through (f).

734
735 5) A VSQG that accumulates hazardous waste in amounts less than or equal
736 to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of
737 its hazardous waste in an on-site facility or ensure delivery to an off-site
738 treatment, storage, or disposal facility. The facility, if located in the U.S.,
739 must be one of the following:

740
741 A) A permitted facility under 35 Ill. Adm. Code 702 and 703;

742
743 B) An interim status facility under Subpart C of 35 Ill. Adm. Code
744 703 and 35 Ill. Adm. Code 725;

745
746 C) A facility authorized to manage hazardous waste by a state whose
747 hazardous waste management program is approved by USEPA
748 under 40 CFR 271;
749

- 750 D) A municipal solid waste landfill that is subject to the standards of
751 40 CFR 258 and which is permitted, licensed, or registered by a
752 USEPA-authorized state to manage municipal solid waste;
753
- 754 E) A solid waste management facility that is permitted, licensed, or
755 registered by a state to manage non-municipal non-hazardous
756 waste and, if the facility is a non-municipal non-hazardous waste
757 disposal unit, the facility must comply with the requirements in
758 subpart B of 40 CFR 257, incorporated by reference in 35 Ill.
759 Adm. Code 720.111;
760
- 761 F) A facility engaging in either of the following activities:
762
- 763 i) Beneficial use or reuse, or legitimate recycling or
764 reclamation of its waste; or
765
- 766 ii) Treating its waste prior to beneficial use or reuse, or
767 legitimate recycling or reclamation;
768
- 769 G) For universal waste managed under 35 Ill. Adm. Code 733, a
770 universal waste handler or destination facility subject to the
771 requirements of 35 Ill. Adm. Code 733;
772
- 773 H) An LQG under the control of the same person as the VSQG,
774 provided the following conditions are met:
775
- 776 i) The VSQG and the LQG are under the control of the same
777 person, as defined in 35 Ill. Adm. Code 720.110.
778 "Control," for the purposes of this Section, means the
779 power to direct the policies of the generator, whether by the
780 ownership of stock, voting rights, or otherwise, except that
781 a contractor that operates a generator facility on behalf of a
782 different person, as defined in 35 Ill. Adm. Code 720.110,
783 cannot be deemed to "control" the VSQG and LQG.
784
- 785 ii) The VSQG marks its containers of hazardous waste with
786 the words "Hazardous Waste" and an indication of the
787 hazards of the contents. Examples of indication of the
788 hazards include, but are not limited to, the applicable
789 hazardous waste characteristics (i.e., ignitable, corrosive,
790 reactive, or toxic); hazard communication consistent with
791 subpart E (Labelling) and subpart F (Placarding) of 49 CFR
792 172, incorporated by reference in 35 Ill. Adm. Code

793 720.111; a hazard statement or pictogram consistent with
794 29 CFR 1910.1200, incorporated by reference in 35 Ill.
795 Adm. Code 720.111; or a chemical hazard label consistent
796 with NFPA 704, incorporated by reference in 35 Ill. Adm.
797 Code 720.111.
798

799 b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous
800 waste containing free liquids (whether or not sorbents have been added) in any
801 landfill is prohibited.
802

803 c) A VSQG experiencing an episodic event may generate and accumulate hazardous
804 waste in accordance with Subpart L in lieu of Sections 722.115, 722.116, and
805 722.117.
806

807 (Source: Added at 42 Ill. Reg. _____, effective _____)
808

809 **Section 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator**
810 **or Large Quantity Generator**
811

812 a) A generator may accumulate as much as 55 gallons (208 ℓ) of non-acute
813 hazardous waste or either one quart (0.94 ℓ) of liquid acute hazardous waste listed
814 in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute
815 hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers
816 at or near any point of generation where wastes initially accumulate which is
817 under the control of the operator of the process generating the waste, without a
818 permit or interim status and without complying with the requirements of 35 Ill.
819 Adm. Code 702, 703, 705, and 724 through 727, provided that the generator
820 complies with all of the conditions for exemption in this Section. A generator
821 may comply with the conditions for exemption in this Section instead of
822 complying with the conditions for exemption in Section 722.116(b) or 722.117(a),
823 except as required in Section 722.115(a)(7) and (a)(8). The conditions for
824 exemption for satellite accumulation are the following:
825

826 1) If a container holding hazardous waste is not in good condition, or if the
827 container begins to leak, the generator must immediately transfer the
828 hazardous waste from the leaking container to a container that is in good
829 condition and not leaking, or immediately transfer and manage the waste
830 in a central accumulation area operated in compliance with Section
831 722.116(b) or 722.117(a).
832

833 2) The generator must use a container made of or lined with materials that
834 will not react with and which are otherwise compatible with the hazardous
835 waste to be accumulated, so that the ability of the container to contain the

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waste is not impaired.

3) Special Standards for Incompatible Wastes.

A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).

B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).

C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.

4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:

A) When the generator is adding, removing, or consolidating waste; or

B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:

i) For the proper operation of equipment; or

ii) To prevent dangerous situations, such as build-up of extreme pressure.

5) A generator must mark or label its container with the following:

A) The words "Hazardous Waste"; and

B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of

879 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code
880 720.111; a hazard statement or pictogram consistent with 29 CFR
881 1910.1200 (Hazard Communication), incorporated by reference in
882 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent
883 with NFPA 704, incorporated by reference in 35 Ill. Adm. Code
884 720.111.
885

886 6) A generator who accumulates either acute hazardous waste listed in 35 Ill.
887 Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess
888 of the amounts listed in subsection (a) at or near any point of generation
889 must do the following:
890

891 A) Comply within three consecutive calendar days with the applicable
892 central accumulation area regulations in Section 722.116(b) or
893 262.722.117(a), or
894

895 B) Remove the excess from the satellite accumulation area within
896 three consecutive calendar days to any of the following:
897

898 i) A central accumulation area operated in accordance with
899 the applicable regulations in Section 722.116(b) or
900 722.117(a);
901

902 ii) An on-site interim status or permitted treatment, storage, or
903 disposal facility, or
904

905 iii) An off-site designated facility; and
906

907 C) During the three-consecutive-calendar-day period the generator
908 must continue to comply with subsections (a)(1) through (a)(5).
909 The generator must mark or label the containers holding the excess
910 accumulation of hazardous waste with the date the excess amount
911 began accumulating.
912

913 7) All satellite accumulation areas operated by an SQG must meet the
914 preparedness and prevention regulations of Section 722.116(b)(8) and
915 emergency procedures at Section 722.116(b)(9).
916

917 8) All satellite accumulation areas operated by an LQG must meet the
918 Preparedness, Prevention and Emergency Procedures in Subpart M.
919

920 b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has
921 marked "reserved". This statement maintains structural consistency with the
922 corresponding federal regulation.
923

924 (Source: Added at 42 Ill. Reg. _____, effective _____)
925

926 **Section 722.116 Conditions for Exemption for a Small Quantity Generator That**
927 **Accumulates Hazardous Waste**
928

929 An SQG may accumulate hazardous waste on site without a permit or interim status, and without
930 complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or
931 the notification requirements of section 3010 of RCRA (42 USC 6930), provided that all of the
932 following conditions for exemption listed in this Section are met:
933

934 a) Generation. The generator must generate in a calendar month no more than the
935 amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.
936

937 b) Accumulation. The generator must accumulate hazardous waste on site for no
938 more than 180 days, unless in compliance with the conditions for exemption
939 allowing longer accumulation in subsections (d) and (e). The following
940 accumulation conditions also apply:
941

942 1) Accumulation Limit. The quantity of hazardous waste accumulated on
943 site must never exceed 6,000 kg (13,200 lbs);
944

945 2) Accumulation of Hazardous Waste in Containers.
946

947 A) Condition of Containers. If a container holding hazardous waste is
948 not in good condition or the container begins to leak, the SQG
949 must immediately transfer the hazardous waste from this container
950 to a container that is in good condition or immediately manage the
951 waste in some other way that complies with the conditions for
952 exemption of this Section.
953

954 B) Compatibility of Waste with Container. The SQG must use a
955 container made of or lined with materials that will not react with
956 and which are otherwise compatible with the hazardous waste to be
957 accumulated, so that the ability of the container to contain the
958 waste is not impaired.
959

960 C) Management of Containers.
961

962 i) A container holding hazardous waste must always be

- 963 closed during accumulation, except when it is necessary to
964 add or remove waste.
- 965
- 966 ii) A container holding hazardous waste must not be opened,
967 handled, or accumulated in a manner that may rupture the
968 container or cause it to leak.
- 969
- 970 D) Inspections. At least weekly, the SQG must inspect central
971 accumulation areas. The SQG must look for leaking containers
972 and for deterioration of containers caused by corrosion or other
973 factors. See subsection (b)(2)(i) for remedial action required if
974 deterioration or leaks are detected.
- 975
- 976 E) Special Conditions for Accumulation of Incompatible Wastes.
- 977
- 978 i) The SQG must not place incompatible wastes or
979 incompatible wastes and materials (for examples, see
980 appendix V to 40 CFR 265, incorporated by reference in 35
981 Ill. Adm. Code 720.111) must not be placed in the same
982 container, unless the generator complies with 35 Ill. Adm.
983 Code 725.117(b).
- 984
- 985 ii) The SQG must not place hazardous waste in an unwashed
986 container that previously held an incompatible waste or
987 material (for examples, see appendix V to 40 CFR 265,
988 incorporated by reference in 35 Ill. Adm. Code 720.111),
989 unless the generator complies with 35 Ill. Adm. Code
990 725.117(b).
- 991
- 992 iii) The SQG must separate or protect a container accumulating
993 hazardous waste, by means of a dike, berm, wall, or other
994 device, from any waste or other materials accumulated or
995 stored nearby in other containers, piles, open tanks, or
996 surface impoundments.
- 997
- 998 3) Accumulation of Hazardous Waste in Tanks.
- 999
- 1000 A) This subsection (b)(3)(A) corresponds with 40 CFR
1001 262.116(b)(3)(i), which USEPA has marked "reserved". This
1002 statement maintains structural consistency with the corresponding
1003 federal regulation.
- 1004
- 1005 B) An SQG of hazardous waste must comply with the following

- 1006 general operating conditions:
1007
1008 i) Treatment or accumulation of hazardous waste in tanks
1009 must comply with 35 Ill. Adm. Code 725.117(b).
1010
1011 ii) The SQG must not place hazardous wastes or treatment
1012 reagents in a tank if the hazardous wastes or treatment
1013 reagents could cause the tank or its inner liner to rupture,
1014 leak, corrode, or otherwise fail before the end of its
1015 intended life.
1016
1017 iii) The SQG must operate uncovered tanks must be operated
1018 to ensure at least 60 centimeters (2 feet) of freeboard,
1019 unless the tank is equipped with a containment structure
1020 (e.g., dike or trench), a drainage control system, or a
1021 diversion structure (e.g., standby tank) with a capacity that
1022 equals or exceeds the volume of the top 60 centimeters (2
1023 feet) of the tank.
1024
1025 iv) Where hazardous waste is continuously fed into a tank, the
1026 SQG must equip the tank with a means to stop this inflow
1027 (e.g., waste feed cutoff system or by-pass system to a
1028 stand-by tank).
1029
1030 C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates
1031 hazardous waste in tanks must inspect each of the following, where
1032 present:
1033
1034 i) Discharge control equipment (e.g., waste feed cutoff
1035 systems, by-pass systems, and drainage systems) at least
1036 once each operating day, to ensure that it is in good
1037 working order;
1038
1039 ii) Data gathered from monitoring equipment (e.g., pressure
1040 and temperature gauges) at least once each operating day,
1041 to ensure that the tank is being operated according to its
1042 design;
1043
1044 iii) The level of waste in the tank at least once each operating
1045 day, to ensure compliance with subsection (b)(3)(ii)(C);
1046
1047 iv) The construction materials of the tank at least weekly, to
1048 detect corrosion or leaking of fixtures or seams; and

- 1049
- 1050 v) The construction materials of discharge confinement
- 1051 structures and the immediately surrounding area (e.g.,
- 1052 dikes) at least weekly, to detect erosion or obvious signs of
- 1053 leakage (e.g., wet spots or dead vegetation). The SQG
- 1054 must remedy any deterioration or malfunction of equipment
- 1055 or structures which the inspection reveals on a schedule
- 1056 which ensures that the problem does not lead to an
- 1057 environmental or human health hazard. Where a hazard is
- 1058 imminent or has already occurred, the SQG must
- 1059 immediately take remedial action.
- 1060
- 1061 D) A SQG accumulating hazardous waste in tanks or tank systems
- 1062 that have full secondary containment and that either use leak
- 1063 detection equipment to alert personnel to leaks, or implement
- 1064 established workplace practices to ensure leaks are promptly
- 1065 identified, must inspect at least weekly, where applicable, the areas
- 1066 identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of
- 1067 the alternate inspection schedule must be documented in the
- 1068 generator's operating record. This documentation must include a
- 1069 description of the established workplace practices at the SQG.
- 1070
- 1071 E) This subsection (b)(3)(E) corresponds with 40 CFR
- 1072 262.116(b)(3)(v), which USEPA has marked "reserved". This
- 1073 statement maintains structural consistency with the corresponding
- 1074 federal regulation.
- 1075
- 1076 F) An SQG accumulating hazardous waste in tanks must remove all
- 1077 hazardous waste from tanks, discharge control equipment, and
- 1078 discharge confinement structures upon closure of the facility. At
- 1079 closure, as throughout the operating period, unless the SQG can
- 1080 demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or
- 1081 (d), that any solid waste removed from its tank is not a hazardous
- 1082 waste, then it must manage such waste in accordance with all
- 1083 applicable provisions of this Part and 35 Ill. Adm. Code 722, 723,
- 1084 725 and 728.
- 1085
- 1086 G) An SQG must comply with the following special conditions for
- 1087 accumulation of ignitable or reactive waste:
- 1088
- 1089 i) Ignitable or reactive waste must not be placed in a tank,
- 1090 unless the waste is treated, rendered, or mixed before or
- 1091 immediately after placement in a tank so that the resulting

waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.

ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

C) The SQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

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- ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

 - 5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:
 - A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator's files prior to operation of the unit; and

 - B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or

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

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

1178 inspection.

1179
1180 6) Labeling and Marking of Containers and Tanks.

1181
1182 A) Containers. An SQG must mark or label its containers with the
1183 following:

- 1184
1185 i) The words "Hazardous Waste";
1186
1187 ii) An indication of the hazards of the contents. Examples
1188 include, but are not limited to, the applicable hazardous
1189 waste characteristics (i.e., ignitable, corrosive, reactive, or
1190 toxic); hazard communication consistent with subpart E
1191 (Labeling) and subpart F (Placarding) of 49 CFR 172,
1192 incorporated by reference in 35 Ill. Adm. Code 720.111; a
1193 hazard statement or pictogram consistent with 29 CFR
1194 1910.1200 (Hazard Communication), incorporated by
1195 reference in 35 Ill. Adm. Code 720.111; or a chemical
1196 hazard label consistent with NFPA 704, incorporated by
1197 reference in 35 Ill. Adm. Code 720.111; and
1198
1199 iii) The date upon which each period of accumulation begins
1200 clearly visible for inspection on each container.

1201
1202 B) Tanks. An SQG accumulating hazardous waste in tanks must do
1203 the following:

- 1204
1205 i) Mark or label its tanks with the words "Hazardous Waste";
1206
1207 ii) Mark or label its tanks with an indication of the hazards of
1208 the contents. Examples include, but are not limited to, the
1209 applicable hazardous waste characteristics (i.e., ignitable,
1210 corrosive, reactive, or toxic); hazard communication
1211 consistent with subpart E (Labeling) and subpart F
1212 (Placarding) of 49 CFR 172, incorporated by reference in
1213 35 Ill. Adm. Code 720.111; a hazard statement or
1214 pictogram consistent with 29 CFR 1910.1200 (Hazard
1215 Communication), incorporated by reference in 35 Ill. Adm.
1216 Code 720.111; or a chemical hazard label consistent with
1217 NFPA 704, incorporated by reference in 35 Ill. Adm. Code
1218 720.111;
1219
1220 iii) Use inventory logs, monitoring equipment, or other records

- 1221 to demonstrate that hazardous waste has been emptied
1222 within 180 days of first entering the tank if using a batch
1223 process or, in the case of a tank with a continuous flow
1224 process, demonstrate that estimated volumes of hazardous
1225 waste entering the tank daily exit the tank within 180 days
1226 of first entering; and
- 1227
- 1228 iv) Keep inventory logs or records with the above information
1229 on site and readily available for inspection.
- 1230
- 1231 7) Land Disposal Restrictions. An SQG must comply with all the applicable
1232 requirements under 35 Ill. Adm. Code 728.
- 1233
- 1234 8) Preparedness and Prevention.
- 1235
- 1236 A) Maintenance and Operation of Facility. An SQG must maintain
1237 and operate its facility to minimize the possibility of a fire,
1238 explosion, or any unplanned sudden or non-sudden release of
1239 hazardous waste or hazardous waste constituents to air, soil, or
1240 surface water that could threaten human health or the environment.
- 1241
- 1242 B) Required Equipment. An SQG must equip all areas where
1243 hazardous waste is either generated or accumulated with the items
1244 in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of
1245 the hazards posed by waste handled at the facility could require a
1246 particular kind of equipment specified below or the actual waste
1247 generation or accumulation area does not lend itself for safety
1248 reasons to have a particular kind of equipment specified below).
1249 An SQG may determine the most appropriate places to locate
1250 equipment necessary to prepare for and respond to emergencies.
- 1251
- 1252 i) An internal communications or alarm system capable of
1253 providing immediate emergency instruction (voice or
1254 signal) to facility personnel;
- 1255
- 1256 ii) A device, such as a telephone (immediately available at the
1257 scene of operations) or a hand-held two-way radio, capable
1258 of summoning emergency assistance from local police
1259 departments, fire departments, or State or local emergency
1260 response teams;
- 1261
- 1262 iii) Portable fire extinguishers, fire control equipment
1263 (including special extinguishing equipment, such as that

1264 using foam, inert gas, or dry chemicals), spill control
1265 equipment, and decontamination equipment; and

1266
1267 iv) Water at adequate volume and pressure to supply water
1268 hose streams, foam producing equipment, automatic
1269 sprinklers, or water spray systems.

1270
1271 C) Testing and Maintenance of Equipment. The SQG must test and
1272 maintain all communications or alarm systems, fire protection
1273 equipment, spill control equipment, and decontamination
1274 equipment, where required, as necessary to assure its proper
1275 operation in time of emergency.

1276
1277 D) Access to Communications or Alarm System.

1278
1279 i) Whenever the SQG pours, mixes, spreads, or otherwise
1280 handles hazardous waste is being poured, mixed, spread, or
1281 otherwise handled, all personnel involved in the operation
1282 must have immediate access (i.e., either directly or through
1283 direct, unimpeded visual or voice contact with another
1284 employee) to an internal alarm or emergency
1285 communication device, either directly or through visual or
1286 voice contact with another employee, unless such a device
1287 is not required under subsection (a)(8)(B).

1288
1289 ii) When there is just one employee on the premises while the
1290 facility is operating, the employee must have immediate
1291 access (i.e., direct or unimpeded access) to a device, such
1292 as a telephone (immediately available at the scene of
1293 operation) or a hand-held two-way radio, that is capable of
1294 summoning external emergency assistance, unless such a
1295 device is not required under subsection (a)(8)(B).

1296
1297 E) Required Aisle Space. The SQG must maintain aisle space that
1298 allows the unobstructed movement of personnel, fire protection
1299 equipment, spill control equipment, and decontamination
1300 equipment to any area of facility operation in an emergency, unless
1301 aisle space is not needed for any of these purposes.

1302
1303 F) Arrangements with Local Authorities.

1304
1305 i) The SQG must attempt to make arrangements with the
1306 local police department, fire department, other emergency

1307 response teams, emergency response contractors,
1308 equipment suppliers, and local hospitals, taking into
1309 account the types and quantities of hazardous wastes
1310 handled at the facility. Arrangements may be made with
1311 the Local Emergency Planning Committee, if this is the
1312 appropriate organization with which to make arrangements.
1313 An SQG attempting to make arrangements with its local
1314 fire department must determine the potential need for the
1315 services of the local police department, other emergency
1316 response teams, emergency response contractors,
1317 equipment suppliers, and local hospitals. As part of this
1318 coordination, the SQG must attempt to make arrangements,
1319 as necessary, to familiarize the above organizations with
1320 the layout of the facility, the properties of hazardous waste
1321 handled at the facility and associated hazards, places where
1322 facility personnel would normally be working, entrances to
1323 roads inside the facility, and possible evacuation routes, as
1324 well as the types of injuries or illnesses that could result
1325 from fires, explosions, or releases at the facility. Where
1326 more than one police or fire department might respond to
1327 an emergency, the SQG must attempt to make
1328 arrangements designating primary emergency authority to a
1329 specific fire or police department and with any others to
1330 provide support to the primary emergency authority.
1331 BOARD NOTE: The State Emergency Response
1332 Commission (SERC) maintains an on-line listing of Local
1333 Emergency Planning Committees in Illinois by jurisdiction:
1334 www.illinois.gov/iema/Preparedness/SERC/Documents/LE
1335 [PC_ReleaseReportingContactList.pdf](http://www.illinois.gov/iema/Preparedness/SERC/Documents/LE).
1336
1337 ii) An SQG must maintain records documenting the
1338 arrangements with the local fire department as well as any
1339 other organization necessary to respond to an emergency.
1340 This documentation must include documentation in the
1341 operating record that either confirms these arrangements
1342 actively exist or, in cases where no arrangements exist,
1343 confirming that the SQG attempted to make these
1344 arrangements.
1345
1346 iii) A facility possessing 24-hour response capabilities may
1347 seek a waiver from the authority having jurisdiction over
1348 the fire code within Illinois or the facility's locality, as far
1349 as needing to make arrangements with the local fire

department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.

B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

i) The name and emergency telephone number of the emergency coordinator;

ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;

D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:

i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;

ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any

1393 contaminated materials or soil. The SQG can either itself
1394 conduct this containment and cleanup or have a contractor
1395 perform the work on its behalf;
1396

1397 iii) When a fire, explosion, or other release occurs that could
1398 threaten human health outside the facility, or when the
1399 SQG has knowledge that a spill has reached surface water,
1400 the SQG must immediately notify the National Response
1401 Center (using the 24-hour toll free number, 800-424-8802).
1402 The report must include the name, address, and USEPA
1403 identification number of the SQG; the date, time, and type
1404 of incident (e.g., spill or fire); the quantity and type of
1405 hazardous waste involved in the incident; the extent of any
1406 injuries; and the estimated quantity and disposition of any
1407 recovered materials.
1408

1409 c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste
1410 or offer its waste for transportation over a distance of 200 miles or more for off-
1411 site treatment, storage, or disposal may accumulate hazardous waste on site for
1412 270 days or less without having a permit or interim status, provided that the SQG
1413 complies with the conditions of subsection (b).
1414

1415 d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste
1416 for more than 180 days (or for more than 270 days if the SQG must transport its
1417 waste or offer its waste for transportation over a distance of 200 miles or more for
1418 off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill.
1419 Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the
1420 SQG an extension to the 180-day (or 270-day if applicable) period. The Agency
1421 may grant an extension if hazardous wastes must remain on site for longer than
1422 180 days (or 270 days if applicable) due to unforeseen, temporary, and
1423 uncontrollable circumstances. The Agency may grant an extension of up to 30
1424 days on a case-by-case basis.
1425

1426 BOARD NOTE: The Agency may grant a provisional variance that extends the
1427 permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act.
1428 This subsection provides the basis for granting and maximum duration of an
1429 extension.
1430

1431 e) Rejected Load. An SQG may accumulate the returned waste on site in
1432 accordance with subsections (a) and (b) if the SQG sent the shipment of
1433 hazardous waste to a designated facility believing that the designated facility can
1434 accept and manage the waste and later received that shipment back as a rejected
1435 load or residue in accordance with the manifest discrepancy provisions of 35 Ill.

1436 Adm. Code 724.172 or 725.172 may accumulate the returned waste on site in
1437 accordance with subsections (a) through (d). Upon receipt of the returned
1438 shipment, the SQG must do either of the following:
1439

1440 1) Sign Item 18c of the manifest, if the transporter returned the shipment
1441 using the original manifest; or
1442

1443 2) Sign Item 20 of the manifest, if the transporter returned the shipment using
1444 a new manifest.
1445

1446 f) An SQG experiencing an episodic event may accumulate hazardous waste in
1447 accordance with Subpart L in lieu of Section 722.117.
1448

1449 (Source: Added at 42 Ill. Reg. _____, effective _____)
1450

1451 **Section 722.117 Conditions for Exemption for a Large Quantity Generator That**
1452 **Accumulates Hazardous Waste**
1453

1454 An LQG may accumulate hazardous waste on site without a permit or interim status, and without
1455 complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the
1456 notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG
1457 meets all of the following conditions for exemption:
1458

1459 a) Accumulation. The LQG may accumulate hazardous waste on site for no more
1460 than 90 days, unless in compliance with the accumulation time limit extension or
1461 F006 accumulation conditions for exemption in subsections (b) through (e). The
1462 following accumulation conditions also apply:
1463

1464 1) Accumulation of Hazardous Waste in Containers. If the hazardous waste
1465 is placed in containers, the LQG must comply with the following
1466 requirements:
1467

1468 A) Air Emission Standards. The LQG must comply with the
1469 applicable requirements of Subparts AA, BB, and CC of 35 Ill.
1470 Adm. Code 725;
1471

1472 B) Condition of Containers. If a container holding hazardous waste is
1473 not in good condition, or if the container begins to leak, the LQG
1474 must immediately transfer the hazardous waste from the leaking
1475 container to a container that is in good condition or otherwise
1476 immediately manage the waste in some other way that complies
1477 with the conditions for exemption of this Section;
1478

- 1479 C) Compatibility of Waste with Container. The LQG must use a
1480 container made of or lined with materials that will not react with
1481 and are otherwise compatible with the hazardous waste to be
1482 stored, so that the ability of the container to contain the waste is
1483 not impaired;
1484
- 1485 D) Management of Containers.
1486
- 1487 i) The LQG must always keep a container holding hazardous
1488 waste closed during accumulation, except when it is
1489 necessary to add or remove waste.
1490
- 1491 ii) The LQG must not open, handle, or store a container
1492 holding hazardous waste in a manner that may rupture the
1493 container or cause the container to leak.
1494
- 1495 E) Inspections. At least weekly, the LQG must inspect central
1496 accumulation areas. The LQG must look for leaking containers
1497 and for deterioration of containers caused by corrosion or other
1498 factors. See subsection (a)(1)(B) for remedial action required if
1499 the LQG detects deterioration or leaks.
1500
- 1501 F) Special Conditions for Accumulation of Ignitable and Reactive
1502 Wastes.
1503
- 1504 i) The LQG must be locate containers holding ignitable or
1505 reactive waste at least 15 meters (50 feet) from the
1506 facility's property line, unless the LQG obtains a written
1507 approval from the authority having jurisdiction over the
1508 local fire code that allows hazardous waste accumulation to
1509 occur within this restricted area. The LQG must maintain a
1510 record of the written approval as long as the LQG
1511 accumulates ignitable or reactive hazardous waste in this
1512 area.
1513
- 1514 ii) The LQG must take precautions to prevent accidental
1515 ignition or reaction of ignitable or reactive waste. The
1516 LQG must separate and protect this waste from sources of
1517 ignition or reaction, including, but not limited to, the
1518 following: open flames, smoking, cutting and welding, hot
1519 surfaces, frictional heat, sparks (static, electrical, or
1520 mechanical), spontaneous ignition (e.g., from heat-
1521 producing chemical reactions), or radiant heat. While

1522 handling ignitable or reactive waste, the LQG must confine
1523 smoking and open flame to specially designated locations.
1524 The LQG must conspicuously place “No Smoking” signs
1525 wherever there is a hazard from ignitable or reactive waste.
1526

1527 G) Special Conditions for Accumulation of Incompatible Wastes.
1528

1529 i) The LQG must not place incompatible wastes or
1530 incompatible wastes and materials (for examples, see
1531 appendix V to 40 CFR 265, incorporated by reference in 35
1532 Ill. Adm. Code 720.111) in the same container, unless the
1533 LQG complies with 35 Ill. Adm. Code 725.117(b).
1534

1535 ii) The LQG must not place hazardous waste in an unwashed
1536 container that previously held an incompatible waste or
1537 material (for examples, see appendix V to 40 CFR 265,
1538 incorporated by reference in 35 Ill. Adm. Code 720.111),
1539 unless the LQG complies with 35 Ill. Adm. Code
1540 725.117(b).
1541

1542 iii) The LQG must separate a container holding hazardous
1543 waste or otherwise protect it by means of a dike, berm,
1544 wall, or other device from any other incompatible waste or
1545 other materials accumulated or stored nearby in other
1546 containers, piles, open tanks, or surface impoundments.
1547

1548 2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste
1549 in tanks, the LQG must comply with the applicable requirements of
1550 Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure
1551 Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests)
1552 and the applicable requirements of Subparts AA, BB, and CC of 35 Ill.
1553 Adm. Code 725.
1554

1555 3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places
1556 hazardous waste on drip pads, the LQG must comply with the following:
1557

1558 A) Subpart W of 35 Ill. Adm. Code 725;
1559

1560 B) The LQG must remove all wastes from the drip pad at least once
1561 every 90 days. Any hazardous wastes that the LQG removes from
1562 the drip pad are subject to the 90-day accumulation limit in
1563 subsection (a) and Section 722.115 if the LQG manages the
1564 hazardous wastes are being managed in satellite accumulation

1565 areas prior to moving them to a central accumulation area; and

1566

1567 C) The LQG must maintain on site at the facility the following
1568 records readily available for inspection:

1569

1570 i) A written description of procedures that the LQG follows
1571 to ensure that it removes all wastes from the drip pad and
1572 associated collection system at least once every 90 days;
1573 and

1574

1575 ii) Documentation of each waste removal, including the
1576 quantity of waste that the LQG removed from the drip pad
1577 and the sump or collection system and the date and time of
1578 removal.

1579

1580 4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG
1581 places the waste in containment buildings, the LQG must comply with
1582 Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its
1583 containment building with the words "Hazardous Waste" in a conspicuous
1584 place easily visible to employees, visitors, emergency responders, waste
1585 handlers, or other persons on site. The LQG must also provide in a
1586 conspicuous place an indication of the hazards of the contents. Examples
1587 include, but are not limited to, the applicable hazardous waste
1588 characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard
1589 communication consistent with subpart E (Labeling) and subpart F
1590 (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm.
1591 Code 720.111; a hazard statement or pictogram consistent with 29 CFR
1592 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill.
1593 Adm. Code 720.111; or a chemical hazard label consistent with NFPA
1594 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG
1595 must also maintain both of the following:

1596

1597 A) The professional engineer certification that the building complies
1598 with the design standards specified in 35 Ill. Adm. Code 725.1101.
1599 This certification must be in the LQG's files prior to operation of
1600 the unit; and

1601

1602 B) The following records, by use of inventory logs, monitoring
1603 equipment, or any other effective means:

1604

1605 i) A written description of procedures to ensure that each
1606 waste volume remains in the unit for no more than 90 days,
1607 a written description of the waste generation and

1608 management practices for the facility showing that the
1609 generator is consistent with respecting the 90-day limit, and
1610 documentation that the LQG complies with the procedures

1611
1612 ii) Documentation that the unit is emptied the LQG empties
1613 the unit at least once every 90 days.

1614
1615 iii) The LQG must maintain inventory logs or records with the
1616 above information on site and readily available for
1617 inspection.

1618
1619 5) Labeling and Marking of Containers and Tanks.

1620
1621 A) Containers. An LQG must mark or label its containers with the
1622 following:

1623
1624 i) The words "Hazardous Waste";

1625
1626 ii) An indication of the hazards of the contents. Examples
1627 include, but are not limited to, the applicable hazardous
1628 waste characteristics (i.e., ignitable, corrosive, reactive, or
1629 toxic); hazard communication consistent with subpart E
1630 (labeling) and subpart F (placarding) of 49 CFR 172,
1631 incorporated by reference in 35 Ill. Adm. Code 720.111; a
1632 hazard statement or pictogram consistent with 29 CFR
1633 1910.1200 (Hazard Communication), incorporated by
1634 reference in 35 Ill. Adm. Code 720.111; or a chemical
1635 hazard label consistent with NFPA 704, incorporated by
1636 reference in 35 Ill. Adm. Code 720.111; and

1637
1638 iii) The date upon which each period of accumulation begins
1639 clearly visible for inspection on each container.

1640
1641 B) Tanks. An LQG accumulating hazardous waste in tanks must do
1642 the following:

1643
1644 i) Mark or label its tanks with the words "Hazardous Waste";

1645
1646 ii) Mark or label its tanks with an indication of the hazards of
1647 the contents. Examples include, but are not limited to, the
1648 applicable hazardous waste characteristics (i.e., ignitable,
1649 corrosive, reactive, or toxic); hazard communication
1650 consistent with subpart E (Labeling) and subpart F

- 1651 (Placarding) of 49 CFR 172, incorporated by reference in
1652 35 Ill. Adm. Code 720.111; a hazard statement or
1653 pictogram consistent with 29 CFR 1910.1200 (Hazard
1654 Communication), incorporated by reference in 35 Ill. Adm.
1655 Code 720.111; or a chemical hazard label consistent with
1656 NFPA 704, incorporated by reference in 35 Ill. Adm. Code
1657 720.111;
- 1658
- 1659 iii) Use inventory logs, monitoring equipment or other records
1660 to demonstrate that hazardous waste has been emptied
1661 within 90 days of first entering the tank if using a batch
1662 process or, in the case of a tank with a continuous flow
1663 process, demonstrate that estimated volumes of hazardous
1664 waste entering the tank daily exit the tank within 90 days of
1665 first entering; and
- 1666
- 1667 iv) Keep inventory logs or records with the above information
1668 on site and readily available for inspection.
- 1669
- 1670 6) Emergency Procedures. The LQG must comply with the standards in
1671 Subpart M (Preparedness, Prevention and Emergency Procedures for
1672 Large Quantity Generators).
- 1673
- 1674 7) Personnel Training.
- 1675
- 1676 A) Personnel Training Program.
- 1677
- 1678 i) Facility personnel must successfully complete a program of
1679 classroom instruction, online training (e.g., computer-based
1680 or electronic) or on-the-job training that teaches them to
1681 perform their duties in a way that ensures compliance with
1682 this Part. The LQG must ensure that this program includes
1683 all the elements described in the document required under
1684 subsection (a)(7)(D).
- 1685
- 1686 ii) A person trained in hazardous waste management
1687 procedures must direct the program, and the program must
1688 include instruction that teaches facility personnel hazardous
1689 waste management procedures (including contingency plan
1690 implementation) relevant to the positions in which the LQG
1691 employs them.
- 1692
- 1693 iii) At a minimum, the design of the training program must

1694 ensure that facility personnel can respond effectively to
1695 emergencies by familiarizing them with emergency
1696 procedures, emergency equipment, and emergency systems,
1697 including, where applicable, procedures for using,
1698 inspecting, repairing, and replacing facility emergency and
1699 monitoring equipment; key parameters for automatic waste
1700 feed cut-off systems; communications or alarm systems;
1701 response to fires or explosions; response to ground-water
1702 contamination incidents; and shutdown of operations.

1703
1704 iv) For facility employees that receive emergency response
1705 training pursuant to 29 CFR 1910.120(p)(8) (Emergency
1706 response program) and 1910.120(q) (Emergency response
1707 to hazardous substance releases), incorporated by reference
1708 in 35 Ill. Adm. Code 720.111, the LQG is not required to
1709 provide separate emergency response training pursuant to
1710 this Section, provided that the overall facility training
1711 meets all the conditions of exemption in this Section.

1712
1713 B) Facility personnel must successfully complete the program
1714 required in subsection (a)(7)(A) within six months after the date of
1715 their employment, assignment to the facility, or assignment to a
1716 new position at the facility, whichever is later. Employees must
1717 not work in unsupervised positions until he or she has completed
1718 the training standards of subsection (a)(7)(A).

1719
1720 C) Facility personnel must take part in an annual review of the initial
1721 training required in subsection (a)(7)(A).

1722
1723 D) The LQG must maintain the following documents and records at
1724 the facility:

1725
1726 i) The job title for each position at the facility related to
1727 hazardous waste management and the name of the
1728 employee filling each job;

1729
1730 ii) A written job description for each position listed under
1731 subsection (a)(7)(D)(i). This description may be consistent
1732 in its degree of specificity with descriptions for other
1733 similar positions in the same company location or
1734 bargaining unit, but the description must include the
1735 requisite skill, education, other qualifications, and duties of
1736 facility personnel assigned to each position;

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1779
- iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);
 - iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).
 - E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.
 - 8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:
 - A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit:
 - i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or
 - ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.
 - B) Notification for Closure of the Facility.
 - i) Notify USEPA and the Agency using USEPA Form 8700–12 no later than 30 days prior to closing the facility.
 - ii) Notify USEPA and the Agency using USEPA Form 8700–

- 1780 12 within 90 days after closing the facility that it has
 1781 complied with the closure performance standards of
 1782 subsection (a)(8)(C) or (a)(8)(D). If the facility cannot
 1783 meet the closure performance standards of subsection
 1784 (a)(8)(C) or (a)(8)(D), notify USEPA and the Agency using
 1785 USEPA Form 8700-12 that it will close as a landfill under
 1786 35 Ill. Adm. Code 725.410 in the case of a container, tank
 1787 or containment building units, or for a facility with drip
 1788 pads, notify using USEPA Form 8700-12 that it will close
 1789 under the standards of 35 Ill. Adm. Code 725.545(b).
- 1790
- 1791 iii) An LQG may request additional time to clean close, but it
 1792 must notify USEPA and the Agency using USEPA Form
 1793 8700-12 within 75 days after the date provided in
 1794 subsection (a)(8)(B)(i) to request an extension and provide
 1795 an explanation as to why the additional time is required.
- 1796
- 1797 C) Closure Performance Standards for Container, Tank Systems, and
 1798 Containment Building Waste Accumulation Units.
- 1799
- 1800 i) At closure, the LQG must close the waste accumulation
 1801 unit or facility in a manner that minimizes the need for
 1802 further maintenance by controlling, minimizing, or
 1803 eliminating the post-closure escape of hazardous waste,
 1804 hazardous constituents, leachate, contaminated run-off, or
 1805 hazardous waste decomposition products to the ground or
 1806 surface waters or to the atmosphere to the extent necessary
 1807 to protect human health and the environment.
- 1808
- 1809 ii) The LQG must remove or decontaminate all contaminated
 1810 equipment, structures, soil, and any remaining hazardous
 1811 waste residues from waste accumulation units, including
 1812 containment system components (pads, liners, etc.),
 1813 contaminated soils and subsoils, bases, and structures and
 1814 equipment contaminated with waste, unless 35 Ill. Adm.
 1815 Code 721.103(d) applies.
- 1816
- 1817 iii) The LQG must manage any hazardous waste generated in
 1818 the process of closing the LQG's facility or units
 1819 accumulating hazardous waste in accordance with all
 1820 applicable standards of 35 Ill. Adm. Code 722, 723, 725,
 1821 and 728, including removing any hazardous waste
 1822 contained in these units within 90 days of generating the

1823 waste and managing these wastes in a permitted or interim
1824 status hazardous waste treatment, storage, and disposal
1825 facility.

1826
1827 iv) If the LQG demonstrates that it cannot practicably remove
1828 or decontaminate any contaminated soils and wastes, as
1829 required in subsection (a)(8)(B)(ii), then the waste
1830 accumulation unit is a landfill, and the LQG must close the
1831 waste accumulation unit and perform postclosure care in
1832 accordance with the closure and post-closure care
1833 requirements that apply to landfills (35 Ill. Adm. Code
1834 725.410). In addition, the LQG must meet all of the
1835 requirements for landfills specified in Subparts G and H of
1836 35 Ill. Adm. Code 725 for the purposes of closure, post-
1837 closure, and financial responsibility, for a waste
1838 accumulation unit that is a landfill.

1839
1840 D) Closure Performance Standards for Drip Pad Waste Accumulation
1841 Units. At closure, the LQG must comply with the closure
1842 requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and
1843 (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).

1844
1845 E) The closure requirements of this subsection (a)(8) do not apply to
1846 satellite accumulation areas.

1847
1848 9) Land Disposal Restrictions. The LQG must comply with all applicable
1849 requirements of 40 CFR 268.

1850
1851 b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste
1852 for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702,
1853 703, and 724 through 728 and the notification requirements of section 3010 of
1854 RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to
1855 the 90-day period. The Agency may grant an extension if hazardous wastes must
1856 remain on site for longer than 90 days due to unforeseen, temporary, and
1857 uncontrollable circumstances. The Agency may grant an extension of up to 30
1858 days on a case-by-case basis.

1859
1860 BOARD NOTE: The Agency may grant a provisional variance that extends the
1861 permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act.
1862 This subsection provides the basis for granting and maximum duration of an
1863 extension.

1864
1865 c) Accumulation of F006 Waste. An LQG also generating wastewater treatment

1866 sludges from electroplating operations that meet the listing description for
 1867 USEPA hazardous waste number F006 may accumulate F006 waste on site for
 1868 more than 90 days but not more than 180 days without being subject to 35 Ill.
 1869 Adm. Code 702, 703, and 724 through 727 and the notification requirements of
 1870 section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all
 1871 of the following additional conditions for exemption:

1872
 1873 1) The LQG has implemented pollution prevention practices that reduce the
 1874 amount of any hazardous substances, pollutants, or contaminants entering
 1875 F006 waste or otherwise being released to the environment prior to
 1876 recycling of the waste;

1877
 1878 2) The F006 waste is legitimately recycled through metals recovery;

1879
 1880 3) The LQG accumulates no more than 20,000 kg of F006 waste on site at
 1881 any one time; and

1882
 1883 4) The LQG manages the F006 waste in accordance with the following
 1884 requirements:

1885
 1886 A) Requirements for Managing F006 Waste.

1887
 1888 i) If the LQG places the F006 waste in containers, the LQG
 1889 must comply with the applicable conditions for exemption
 1890 in subsection (a)(1).

1891
 1892 ii) If the LQG places the F006 waste in tanks, the LQG must
 1893 comply with the applicable conditions for exemption in
 1894 subsection (a)(2).

1895
 1896 iii) If the LQG places the F006 waste in containment buildings,
 1897 the LQG must comply with subpart DD of 35 Ill. Adm.
 1898 Code 725. Prior to operation of the unit, the LQG must
 1899 place in the operating record of the facility the certification
 1900 of a professional engineer that the containment building
 1901 complies with the design standards specified in 35 Ill.
 1902 Adm. Code 725.1101. The LQG must also place in the
 1903 operating record either documentation that the LQG
 1904 empties the unit is at least once every 180 days or all three
 1905 of the following items: a written description of procedures
 1906 to ensure that the F006 waste remains in the unit for no
 1907 more than 180 days, a written description of the facility
 1908 waste generation and management practices showing that

1952 this waste or offer this waste for transportation over a distance of 200 miles or
1953 more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is
1954 an operator of a storage facility and is subject to the requirements of 35 Ill. Adm.
1955 Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of
1956 RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to
1957 the 180-day period (or 270-day period, if applicable) or an exception to the
1958 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of
1959 the accumulation period or an exception to the accumulation limit if F006 waste
1960 must remain on site for longer than 180 days (or 270 days, if applicable) or if
1961 more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to
1962 unforeseen, temporary, and uncontrollable circumstances. The Agency may grant
1963 an extension of up to 30 days or an exception to the accumulation limit on a case-
1964 by-case basis.

1965
1966 BOARD NOTE: The Agency may grant a provisional variance that extends the
1967 permissible accumulation period or accumulation amount limit pursuant to
1968 sections 35(b) and 36(c) of the Act. This subsection provides the basis for
1969 granting and maximum duration of an extension.

1970
1971 f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may
1972 accumulate on site hazardous waste received from a VSQG under control of the
1973 same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility
1974 permit or interim status and without complying with the requirements of 35 Ill.
1975 Adm. Code 702, 703, and 724 through 728 and the notification requirements of
1976 section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the
1977 following conditions. "Control," for the purposes of this Section, means the
1978 power to direct the policies of the LQG and VSQG, whether by the ownership of
1979 stock, voting rights, or otherwise, except that a contractor that operates a LQG or
1980 VSQG facility on behalf of a different person is not be deemed to "control" the
1981 LQG or VSQG.

1982
1983 1) The LQG must notify USEPA and the Agency at least 30 days prior to
1984 receiving the first shipment from a VSQG using USEPA Form 8700-12;
1985 and

1986
1987 A) The LQG must identify on the form the names and site addresses
1988 for the VSQG as well as the name and business telephone number
1989 for a contact person for the VSQG; and

1990
1991 B) The LQG must submit an updated USEPA Form 8700-12 within
1992 30 days after a change in the name or site address for the VSQG.

1993
1994 2) The LQG maintains records of shipments for three years from the date the

1995 LQG receives the hazardous waste from the VSQG. These records must
1996 identify the name, site address, and contact information for the VSQG and
1997 include a description of the hazardous waste received, including the
1998 quantity and the date the LQG received the waste.

2000 3) The LQG must comply with the independent requirements identified in
2001 Section 722.110(a)(1)(C) and the conditions for exemption in this Section
2002 for all hazardous waste received from a VSQG. For purposes of the
2003 labeling and marking regulations in subsection (a)(5), the LQG must label
2004 the container or unit with the date accumulation started (i.e., the date the
2005 LQG received the hazardous waste from the VSQG). If the LQG is
2006 consolidating incoming hazardous waste from a VSQG with either its own
2007 hazardous waste or with hazardous waste from other VSQGs, the LQG
2008 must label each container or unit with the earliest date when the VSQG
2009 first accumulated on site any hazardous waste in the container.

2010
2011 g) Rejected Load. An LQG may accumulate the returned waste on site in
2012 accordance with subsections (a) and (b) if the LQG sent the shipment of
2013 hazardous waste to a designated facility believing that the designated facility can
2014 accept and manage the waste and later received that shipment back as a rejected
2015 load or residue in accordance with the manifest discrepancy provisions of 35 Ill.
2016 Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG
2017 must do either of the following:

2018
2019 1) Sign Item 18c of the manifest, if the transporter returned the shipment
2020 using the original manifest; or

2021
2022 2) Sign Item 20 of the manifest, if the transporter returned the shipment using
2023 a new manifest.

2024
2025 (Source: Added at 42 Ill. Reg. _____, effective _____)

2026
2027 **Section 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity**
2028 **Generator or Large Quantity Generator**

2029
2030 a) An SQG or LQG must not treat, store, dispose of, transport, or offer for
2031 transportation hazardous waste without having received a USEPA identification
2032 number.

2033
2034 b) An SQG or LQG that has not received a USEPA identification number must
2035 obtain one by applying to USEPA using USEPA Form 8700-12. Upon receiving
2036 the request USEPA will assign a USEPA identification number to the generator.
2037

- 2038 c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment,
2039 storage, or disposal facility that has not received a USEPA identification number.
2040
- 2041 d) Re-Notification.
2042
- 2043 1) An SQG must re-notify USEPA starting in 2021 and every four years
2044 thereafter using USEPA Form 8700-12. The SQG must submit this re-
2045 notification by September 1st of each year in which re-notification is
2046 required.
2047
- 2048 2) An LQG must renotify USEPA by March 1 of each even-numbered year
2049 thereafter using USEPA Form 8700-12. An LQG may submit this
2050 renotification as part of its annual report required by Section 722.141.
2051
- 2052 e) A recognized trader must not arrange for import or export of hazardous waste
2053 without having received a USEPA identification number from USEPA.
2054

2055 (Source: Added at 42 Ill. Reg. _____, effective _____)
2056

2057 SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
2058 SMALL AND LARGE QUANTITY GENERATORS
2059

2060 **Section 722.120 General Requirements**
2061

- 2062 a) Manifest form required.
2063
- 2064 1) An SQG or LQGA generator that transports hazardous waste or offers a
2065 hazardous waste for transportation for off-site treatment, storage, or
2066 disposal or a treatment, storage, or disposal facility that offers for transport
2067 a rejected load of hazardous waste must prepare a manifest on USEPA
2068 Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according
2069 to the instructions included in the appendix to 40 CFR 262 (Uniform
2070 Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and
2071 8700-22A and Their Instructions)), incorporated by reference in 35 Ill.
2072 Adm. Code 720.111(b).
2073
- 2074 2) This subsection (a)(2) corresponds with 40 CFR 262.20(a)(2), an
2075 applicability statement that became obsolete for the purposes of the
2076 Illinois rules on September 6, 2006. This statement maintains structural
2077 parity with the corresponding federal regulations.
2078
- 2079 3) E-Manifest. In lieu of using the manifest form specified in subsection
2080 (a)(1) of this Section, a person required to prepare a manifest under

- 2081 subsection (a)(1) ~~of this Section~~ may prepare and use an e-Manifest,
2082 provided that the person complies with the following requirements:
2083
2084 A) Section 722.124 for use of e-Manifests; and
2085
2086 B) 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code
2087 720.111, for the reporting of electronic documents to USEPA.
2088
- 2089 b) ~~An SQG or LQGA generator~~ must designate on the manifest one receiving facility
2090 that is permitted to handle the waste described on the manifest.
2091
- 2092 c) ~~An SQG or LQGA generator~~ may also designate on the manifest one alternate
2093 receiving facility that is permitted to handle his waste in the event an emergency
2094 prevents delivery of the waste to the primary designated facility.
2095
- 2096 d) If the transporter is unable to deliver the hazardous waste to the designated
2097 receiving facility or the alternate facility, the SQG or LQG generator must either
2098 designate another receiving facility or instruct the transporter to return the waste.
2099
- 2100 e) The requirements of this Subpart B do not apply to hazardous waste produced by
2101 generators of greater than 100 kg but less than 1,000 kg in a calendar month
2102 where the following conditions are fulfilled:
2103
- 2104 1) The waste is reclaimed under a contractual agreement that specifies the
2105 type of waste and frequency of shipments;
2106
- 2107 2) The vehicle used to transport the waste to the recycling facility and to
2108 deliver regenerated material back to the generator is owned and operated
2109 by the reclaimer of the waste; and
2110
- 2111 3) The SQG or LQG generator maintains a copy of the reclamation agreement
2112 in his files for a period of at least three years after termination or
2113 expiration of the agreement.
2114
- 2115 f) The requirements of this Subpart B and Section 722.132(b) do not apply to the
2116 transport of hazardous wastes on a public or private right-of-way within or along
2117 the border of contiguous property under the control of the same person, even if
2118 such contiguous property is divided by a public or private right-of-way.
2119 Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must
2120 comply with the requirements for transporters set forth in 35 Ill. Adm. Code
2121 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or
2122 private right-of-way.
2123

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

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.

- 2167 The application must provide the name and mailing address of
2168 each company. It also must provide the name and telephone
2169 number of the contact person at each company;
2170
- 2171 B) A description of how the registrant will ensure that its organization
2172 and unaffiliated companies, if any, comply with the requirements
2173 of 40 CFR 262.21, as described in this Section. The application
2174 must discuss how the registrant will ensure that a unique manifest
2175 tracking number will be preprinted on each manifest. The
2176 application must describe the internal control procedures to be
2177 followed by the registrant and unaffiliated companies to ensure
2178 that numbers are tightly controlled and remain unique. In
2179 particular, the application must describe how the registrant will
2180 assign manifest tracking numbers to its manifests. If computer
2181 systems or other infrastructure will be used to maintain, track, or
2182 assign numbers, these should be indicated. The application must
2183 also indicate how the printer will pre-print a unique number on
2184 each form (e.g., crash or press numbering). The application also
2185 must explain the other quality procedures to be followed by each
2186 establishment and printing company to ensure that all required
2187 print specifications are consistently achieved and that printing
2188 violations are identified and corrected at the earliest practicable
2189 time; and
2190
- 2191 C) An indication of whether the registrant intends to use the manifests
2192 for its own business operations or to distribute the manifests to a
2193 separate company or to the general public (e.g., for purchase);
2194
- 2195 6) A brief description of the qualifications of the company that will print the
2196 manifest. The registrant may use readily available information to do so
2197 (e.g., corporate brochures, product samples, customer references,
2198 documentation of ISO certification), so long as such information pertains
2199 to the establishments or company being proposed to print the manifest;
2200
- 2201 7) Proposed unique three-letter manifest tracking number suffix. If the
2202 registrant is approved to print the manifest, the registrant must use this
2203 suffix to pre-print a unique manifest tracking number on each manifest;
2204 and
2205
- 2206 8) A signed certification by a duly authorized employee of the registrant that
2207 the organizations and companies in its application will comply with the
2208 procedures of its approved application and the requirements of 40 CFR
2209 262.21, as described in this Section and that it will notify the Agency and

- 2210 the USEPA Director of the Office of Resource Conservation and Recovery
2211 of any duplicated manifest tracking numbers on manifests that have been
2212 used or distributed to other parties as soon as this becomes known.
2213
- 2214 c) USEPA will review the application submitted under subsection (b) ~~of this Section~~
2215 and either approve it or request additional information or modification before
2216 approving it.
2217
- 2218 d) Submission of document samples.
2219
- 2220 1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c),
2221 as described in subsection (c) ~~of this Section~~, USEPA will provide the
2222 registrant an electronic file of the manifest, continuation sheet, and
2223 manifest instructions and ask the registrant to submit three fully assembled
2224 manifests and continuation sheet samples, except as noted in 40 CFR
2225 262.21(d)(3), as described in subsection (d)(3) ~~of this Section~~. The
2226 registrant's samples must meet all of the specifications in 40 CFR
2227 262.21(f), as described in subsection (f) ~~of this Section~~, and be printed by
2228 the company that will print the manifest as identified in the application
2229 approved by USEPA pursuant to 40 CFR 262.21(c), as described in
2230 subsection (c) ~~of this Section~~.
2231
- 2232 2) The registrant must submit a description of the manifest samples as
2233 follows:
2234
- 2235 A) The paper type (i.e., manufacturer and grade of the manifest
2236 paper);
2237
- 2238 B) The paper weight of each copy;
2239
- 2240 C) The ink color of the manifest's instructions. If screening of the ink
2241 was used, the registrant must indicate the extent of the screening;
2242 and
2243
- 2244 D) The method of binding the copies.
2245
- 2246 3) The registrant need not submit samples of the continuation sheet if it will
2247 print its continuation sheet using the same paper type, paper weight of
2248 each copy, ink color of the instructions, and binding method as its
2249 manifest form samples.
2250
- 2251 e) USEPA will evaluate the forms and either approve the registrant to print them as
2252 proposed or request additional information or modification to them before

2253 approval. USEPA will notify the registrant of its decision by mail. The registrant
 2254 cannot use or distribute its forms until USEPA approves them. An approved
 2255 registrant must print the manifest and continuation sheet according to its
 2256 application approved by USEPA pursuant to 40 CFR 262.21(c), as described in
 2257 subsection (e) of this Section and the manifest specifications in 40 CFR 262.21(f),
 2258 as described in subsection (f) of this Section. It also must print the forms
 2259 according to the paper type, paper weight, ink color of the manifest instructions
 2260 and binding method of its approved forms.
 2261

2262 f) Paper manifests and continuation sheets must be printed according to the
 2263 following specifications:
 2264

- 2265 1) The manifest and continuation sheet must be printed with the exact format
 2266 and appearance as USEPA Forms 8700-22 and 8700-22A, respectively.
 2267 However, information required to complete the manifest may be
 2268 preprinted on the manifest form.
 2269
- 2270 2) A unique manifest tracking number assigned in accordance with a
 2271 numbering system approved by USEPA must be pre-printed in Item 4 of
 2272 the manifest. The tracking number must consist of a unique three-letter
 2273 suffix following nine digits.
 2274
- 2275 3) The manifest and continuation sheet must be printed on 8½ x 11-inch
 2276 white paper, excluding common stubs (e.g., top- or side-bound stubs).
 2277 The paper must be durable enough to withstand normal use.
 2278
- 2279 4) The manifest and continuation sheet must be printed in black ink that can
 2280 be legibly photocopied, scanned, or faxed, except that the marginal words
 2281 indicating copy distribution must be printed with a distinct ink color or
 2282 with another method (e.g., white text against black background in text box
 2283 or black text against grey background in text box) that clearly
 2284 distinguishes the copy distribution notations from the other text and data
 2285 entries on the form.
 2286
- 2287 5) The manifest and continuation sheet must be printed as six-copy forms.
 2288 Copy-to-copy registration must be exact within 1/32 inch. Handwritten
 2289 and typed impressions on the form must be legible on all six copies.
 2290 Copies must be bound together by one or more common stubs that
 2291 reasonably ensure that they will not become detached inadvertently during
 2292 normal use.
 2293
- 2294 6) Each copy of the manifest and continuation sheet must indicate how the
 2295 copy must be distributed, as follows:

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- 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.

- 2339 1) A generator may use manifests printed by any source so long as the source
2340 of the printed form has received approval from USEPA to print the
2341 manifest pursuant to 40 CFR 262.21(c) and (e), as described in
2342 subsections (c) and (e) of this Section. A registered source may be any of
2343 the following:
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- 2345 A) A state agency;
 - 2346
 - 2347 B) A commercial printer;
 - 2348
 - 2349 C) A hazardous waste generator, transporter, or treatment, storage, or
2350 disposal facility; or
 - 2351
 - 2352 D) A hazardous waste broker or other preparer who prepares or
2353 arranges shipments of hazardous waste for transportation.
2354
- 2355 BOARD NOTE: USEPA maintains a listing of registered sources at
2356 [https://www.epa.gov/hwgenerators/approved-registered-printers-epas-](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry)
2357 [manifest-registry.](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry)
2358
- 2359 2) The waste generator must determine whether the generator state or the
2360 consignment state for a shipment regulates any additional wastes (beyond
2361 those regulated federally) as hazardous wastes under these states'
2362 authorized programs. The generator must also determine whether the
2363 consignment state or generator state requires the generator to submit any
2364 copies of the manifest to these states. In cases where the generator must
2365 supply copies to either the generator's state or the consignment state, the
2366 generator is responsible for supplying legible photocopies of the manifest
2367 to these states.
2368
- 2369 h) Manifest revisions.
2370
- 2371 1) If an approved registrant would like to update any of the information
2372 provided in its application approved by USEPA pursuant to 40 CFR
2373 262.21(c), as described in subsection (c) of this Section (e.g., to update a
2374 company phone number or name of contact person), the registrant must
2375 revise the application and submit it to the USEPA Director of the Office of
2376 Resource Conservation and Recovery, along with an indication or
2377 explanation of the update, as soon as practicable after the change occurs.
2378 The USEPA will either approve or deny the revision. If USEPA denies
2379 the revision, it will explain the reasons for the denial, and it will contact
2380 the registrant and request further modification before approval.
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- 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.

- 2425 l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR
2426 262.21(e), as described in subsection (e) of this Section, USEPA becomes aware
2427 that the approved paper type, paper weight, ink color of the instructions, or
2428 binding method of the registrant's form is unsatisfactory, USEPA will contact the
2429 registrant and require modifications to the form.
2430
- 2431 m) Effects of non-compliance.
2432
- 2433 1) USEPA may suspend and, if necessary, revoke printing privileges if we
2434 find that the registrant has done either of the following:
2435
- 2436 A) The registrant has used or distributed forms that deviate from its
2437 approved form samples in regard to paper weight, paper type, ink
2438 color of the instructions, or binding method; or
2439
- 2440 B) The registrant exhibits a continuing pattern of behavior in using or
2441 distributing manifests that contain duplicate manifest tracking
2442 numbers.
2443
- 2444 2) USEPA will send a warning letter to the registrant that specifies the date
2445 by which it must come into compliance with the requirements. If the
2446 registrant does not come in compliance by the specified date, USEPA will
2447 send a second letter notifying the registrant that USEPA has suspended or
2448 revoked its printing privileges. An approved registrant must provide
2449 information on its printing activities to the Agency and USEPA if
2450 requested.
2451

2452 (Source: Amended at 42 Ill. Reg. _____, effective _____)
2453

2454 **Section 722.123 Use of the Manifest**
2455

- 2456 a) The generator ~~must~~ shall do the following:
2457
- 2458 1) Sign the manifest certification by hand;
2459
- 2460 2) Obtain the handwritten signature of the initial transporter and date of
2461 acceptance on the manifest;
2462
- 2463 3) Retain one copy, in accordance with Section 722.140(a); and
2464
- 2465 4) Send one copy of the manifest to the Agency within two working days.
2466
- 2467 b) The generator must give the transporter the remaining copies of the manifest.

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- 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.

2488 BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or
2489 water (bulk shipment) transporters.

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- 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;

- 2511
- 2512 2) The generator must provide a copy of the manifest to the transporter;
- 2513
- 2514 3) Within 30 days after delivery of the rejected shipment or container
- 2515 residues contained in non-empty containers, the generator must send a
- 2516 copy of the manifest to the designated facility that returned the shipment
- 2517 to the generator; and
- 2518
- 2519 4) The generator must retain a copy of each manifest at the generator's site
- 2520 for at least three years from the date of delivery.
- 2521

2522 BOARD NOTE: The use of the term "non-empty containers" in this subsection
 2523 (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty
 2524 containers;" for the purposes of this subsection (f), are containers that are not
 2525 deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That
 2526 rule allows a container that still contains waste residues to be considered "empty"
 2527 under specified conditions. Thus, "container residues contained in non-empty
 2528 containers" are subject to regulation as hazardous waste, and the requirements of
 2529 this subsection (f) apply to those residues.

2530
 2531 (Source: Amended at 42 Ill. Reg. _____, effective _____)

2532
 2533 **Section 722.124 Use of the Electronic Manifest**

- 2534
- 2535 a) Legal equivalence to paper manifests. E-Manifests that are obtained, completed,
- 2536 and transmitted in accordance with Section 722.120(a)(3), and used in accordance
- 2537 with this Section in lieu of USEPA Forms 8700-22 and 8700-22A are the legal
- 2538 equivalent of paper manifest forms bearing handwritten signatures, and satisfy for
- 2539 all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain,
- 2540 complete, sign, provide, use, or retain a manifest.
- 2541
- 2542 1) Any requirement in 35 Ill. Adm. Code 721 through 728 to sign a manifest
- 2543 or manifest certification by hand, or to obtain a handwritten signature, is
- 2544 satisfied by signing with or obtaining a valid and enforceable electronic
- 2545 signature within the meaning of Section 722.125.
- 2546
- 2547 2) Any requirement in 35 Ill. Adm. Code 721 through 728 to give, provide,
- 2548 send, forward, or return to another person a copy of the manifest is
- 2549 satisfied when an e-Manifest is transmitted to the other person by
- 2550 submission to the e-Manifest System.
- 2551
- 2552 3) Any requirement in any provision of 35 Ill. Adm. Code 721 through 728
- 2553 for a generator to keep or retain a copy of each manifest is satisfied by

2554 retention of a signed e-Manifest in the generator's account on the national
 2555 e-Manifest System, provided that such copies are readily available for
 2556 viewing and production if requested by any USEPA or authorized Agency
 2557 inspector.
 2558

- 2559 4) No generator may be held liable for the inability to produce an e-Manifest
 2560 for inspection under this Section if the generator can demonstrate that the
 2561 inability to produce the e-Manifest is due exclusively to a technical
 2562 difficulty with the e-Manifest System for which the generator bears no
 2563 responsibility.
 2564

2565 BOARD NOTE: The Board has rendered the language "and requirement in these
 2566 regulations" in corresponding 40 CFR 722.124(a) and (a)(1) through (a)(3) as
 2567 "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the
 2568 appropriate segments of this subsection (a). The Board intends that use of the e-
 2569 Manifest System have the same effect in Illinois as it would where the federal
 2570 requirements directly apply.
 2571

- 2572 b) A generator may participate in the e-Manifest System either by accessing the e-
 2573 Manifest System from its own electronic equipment, or by accessing the e-
 2574 Manifest System from portable equipment brought to the generator's site by the
 2575 transporter who accepts the hazardous waste shipment from the generator for off-
 2576 site transportation.
 2577
- 2578 c) Restriction on use of e-Manifests. A generator may prepare an e-Manifest for the
 2579 tracking of hazardous waste shipments involving any RCRA hazardous waste
 2580 only if it is known at the time the manifest is originated that all waste handlers
 2581 named on the manifest participate in the e-Manifest System.
 2582
- 2583 d) Requirement for one printed copy. To the extent the hazardous materials
 2584 regulation on shipping papers for carriage by public highway requires shippers of
 2585 hazardous materials to supply a paper document for compliance with 49 CFR
 2586 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a generator
 2587 originating an e-Manifest must also provide the initial transporter with one printed
 2588 copy of the e-Manifest.
 2589
- 2590 e) Special procedures when e-Manifest is unavailable. If a generator has prepared
 2591 an e-Manifest for a hazardous waste shipment, but the e-Manifest System
 2592 becomes unavailable for any reason prior to the time that the initial transporter
 2593 has signed electronically to acknowledge the receipt of the hazardous waste from
 2594 the generator, the generator must obtain and complete a paper manifest and if
 2595 necessary, a continuation sheet (USEPA Forms 8700-22 and 8700-22A) in
 2596 accordance with the manifest instructions referenced in Appendix A to this Part,

2597 and use these paper forms from this point forward in accordance with the
2598 requirements of Section 722.123.

- 2599
- 2600 f) Special procedures for electronic signature methods undergoing tests. If a
2601 generator has prepared an e-Manifest for a hazardous waste shipment, and signs
2602 this manifest electronically using an electronic signature method that is
2603 undergoing pilot or demonstration tests aimed at demonstrating the practicality or
2604 legal dependability of the signature method, the generator must also sign with an
2605 ink signature the generator or offeror certification on the printed copy of the
2606 manifest provided under subsection (d) ~~of this Section~~.
- 2607
- 2608 g) Imposition of user fee. A generator that is a user of the e-Manifest System may
2609 be assessed a user fee by USEPA for the origination of each e-Manifest. USEPA
2610 shall maintain and update from time-to-time the current schedule of e-Manifest
2611 user fees, which shall be determined based on current and projected e-Manifest
2612 System costs and level of use of the e-Manifest System.

2613

2614 BOARD NOTE: USEPA stated in corresponding 40 CFR 262.24(g) that it would
2615 publish the current schedule of e-Manifest user fees as an appendix to 40 CFR
2616 262.

2617

2618 (Source: Amended at 42 Ill. Reg. _____, effective _____)

2619

2620 SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO
2621 SMALL AND LARGE QUANTITY GENERATORS

2622

2623 **Section 722.132 Marking**

- 2624
- 2625 a) Before transporting or offering hazardous waste for transportation off-site, a
2626 generator must mark each package of hazardous waste in accordance with the
2627 applicable USDOT regulations on hazardous materials under 49 CFR 172
2628 (Hazardous Materials Table, Special Provisions, Hazardous Materials
2629 Communications, Emergency Response Information, and Training
2630 Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
- 2631
- 2632 b) Marking Small Containers. Before transporting hazardous waste or offering
2633 hazardous waste for transportation ~~off site~~ off-site, a generator must mark each
2634 container of 119 gallons (450 ~~liters~~) or less that is used in such transportation with
2635 the following words and information displayed in accordance with the requirements
2636 of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill.
2637 Adm. Code 720.111(b):
- 2638

- 2639 1) HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal. If
- 2640 found, contact the nearest police or public safety authority or the U.S.
- 2641 Environmental Protection Agency.
- 2642
- 2643 2) Generator's Name and Address _____.
- 2644
- 2645 3) Generator's USEPA Identification Number _____.
- 2646
- 2647 4) Manifest Tracking Number _____.
- 2648
- 2649 5) USEPA hazardous waste numbers _____.
- 2650

2651 c) A generator may use a nationally recognized electronic system, such as bar
 2652 coding, to identify the USEPA hazardous waste numbers, as required by
 2653 subsection (b)(5) or (d).
 2654

2655 d) The generator need not mark lab packs that will be incinerated in compliance with
 2656 35 Ill. Adm. Code 728.142(c) with USEPA hazardous waste numbers, except
 2657 D004, D005, D006, D007, D008, D010, and D011, where applicable.
 2658

2659 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 2660

2661 **Section 722.134 Accumulation Time (Repealed)**
 2662

2663 a) ~~Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a~~
 2664 ~~generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm.~~
 2665 ~~Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may~~
 2666 ~~accumulate hazardous waste on-site for 90 days or less without a permit or~~
 2667 ~~without having interim status, provided that the following conditions are fulfilled:~~
 2668

2669 1) ~~The waste is placed in or on one of the following types of units, and the~~
 2670 ~~generator complies with the applicable requirements:~~

2671

2672 A) ~~In containers, and the generator complies with Subparts I, AA, BB,~~
 2673 ~~and CC of 35 Ill. Adm. Code 725;~~

2674

2675 B) ~~In tanks, and the generator complies with Subparts J, AA, BB, and~~
 2676 ~~CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(e)~~
 2677 ~~and 725.300;~~
 2678

2679 C) ~~On drip pads, and the generator complies with Subpart W of 35 Ill.~~
 2680 ~~Adm. Code 725 and maintains the following records at the facility:~~
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- i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or
- D) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator must maintain the following records at the facility:
- i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days; a written description of the waste generation and management practices for the facility showing that they are consistent with respect to the 90 day limit, and documentation that the procedures are complied with; or
 - ii) Documentation that the unit is emptied at least once every 90 days;
- BOARD NOTE: The Board placed the "in addition" hanging subsection that appears in the federal rules after 40 CFR 262.34(a)(1)(iv)(B) in the introduction to subsection (a) of this Section.
- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
 - 4) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with all applicable requirements in 35 Ill. Adm. Code 728.107(a)(5).
- b) A generator of 1,000 kilograms or greater of hazardous waste in a calendar

month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).

e) Accumulation near the point of generation.

1) A generator may accumulate as much as 55 gallons (208 l) of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) or (d) of this Section, provided the generator does the following:

A) The generator complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and

B) The generator marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three-day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim

- 2768 status provided that the following conditions are fulfilled:
2769
2770 1) The quantity of waste accumulated on site never exceeds 6,000 kilograms;
2771
2772 2) The generator complies with the requirements of Subpart I of 35 Ill. Adm.
2773 Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278);
2774
2775 3) The generator complies with the requirements of 35 Ill. Adm. Code
2776 725.301;
2777
2778 4) The generator complies with the requirements of subsections (a)(2) and
2779 (a)(3) of this Section, with Subpart C of 35 Ill. Adm. Code 725, and with
2780 all applicable requirements in 35 Ill. Adm. Code 268; and
2781
2782 5) The generator complies with the following requirements:
2783
2784 A) At all times there must be at least one employee either on the
2785 premises or on call (i.e., available to respond to an emergency by
2786 reaching the facility within a short period of time) with the
2787 responsibility for coordinating all emergency response measures
2788 specified in subsection (d)(5)(D) of this Section. The employee is
2789 the emergency coordinator.
2790
2791 B) The generator must post the following information next to the
2792 telephone:
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2794 i) The name and telephone number of the emergency
2795 coordinator;
2796
2797 ii) Location of fire extinguishers and spill control material
2798 and, if present, fire alarm; and
2799
2800 iii) The telephone number of the fire department, unless the
2801 facility has a direct alarm.
2802
2803 C) The generator must ensure that all employees are thoroughly
2804 familiar with proper waste handling and emergency procedures,
2805 relevant to their responsibilities during normal facility operations
2806 and emergencies.
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2808 D) The emergency coordinator or designee must respond to any
2809 emergencies that arise. The following are applicable responses:
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- i) ~~In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;~~
 - ii) ~~In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and~~
 - iii) ~~In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802).~~
- E) ~~A report to the National Response Center pursuant to subsection (d)(5)(D)(iii) of this Section must include the following information:~~
- i) ~~The name, address, and USEPA identification number (Section 722.112 of this Part) of the generator;~~
 - ii) ~~The date, time, and type of incident (e.g., spill or fire);~~
 - iii) ~~The quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and~~
 - iv) ~~The estimated quantity and disposition of recoverable materials, if any.~~
- ~~BOARD NOTE: The Board has codified 40 CFR 262.34(d)(5)(iv)(C)(1) through (d)(5)(iv)(C)(5) as subsections (d)(5)(E)(i) through (d)(5)(E)(iv) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.~~
- e) ~~A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.~~

- 2854
 2855 f) A generator that generates greater than 100 kilograms but less than 1,000
 2856 kilograms of hazardous waste in a calendar month and that accumulates
 2857 hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste
 2858 for more than 180 days (or for more than 270 days if the generator must transport
 2859 the waste or offer the waste for transportation over a distance of 200 miles or
 2860 more) is an operator of a storage facility and is subject to the requirements of 35
 2861 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm.
 2862 Code 703, unless the generator has been granted an extension to the 180-day (or
 2863 270-day if applicable) period. If hazardous wastes must remain on-site for longer
 2864 than 180 days (or 270 days if applicable) due to unforeseen, temporary, and
 2865 uncontrollable circumstances, the generator may seek an extension of up to 30
 2866 days by means of variance or provisional variance pursuant to Sections 35(b),
 2867 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c),
 2868 and 37(b)].
 2869
 2870 g) A generator that generates 1,000 kilograms or greater of hazardous waste per
 2871 calendar month which also generates wastewater treatment sludges from
 2872 electroplating operations that meet the listing description for the RCRA hazardous
 2873 waste code F006, may accumulate F006 waste on-site for more than 90 days, but
 2874 not more than 180 days, without a permit or without having interim status
 2875 provided that the generator fulfills the following conditions:
 2876
 2877 1) The generator has implemented pollution prevention practices that reduce
 2878 the amount of any hazardous substances, pollutants, or contaminants
 2879 entering F006 or otherwise released to the environment prior to its
 2880 recycling;
 2881
 2882 2) The F006 waste is legitimately recycled through metals recovery;
 2883
 2884 3) No more than 20,000 kilograms of F006 waste is accumulated on-site at
 2885 any one time; and
 2886
 2887 4) The F006 waste is managed in accordance with the following conditions:
 2888
 2889 A) The F006 waste is placed in one of the following containing
 2890 devices:
 2891
 2892 i) In containers and the generator complies with the
 2893 applicable requirements of Subparts I, AA, BB, and CC of
 2894 35 Ill. Adm. Code 725;
 2895
 2896 ii) In tanks and the generator complies with the applicable

- 2897 requirements of Subparts J, AA, BB, and CC of 35 Ill.
 2898 Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and
 2899 725.300; or
 2900
 2901 iii) In containment buildings, and the generator complies with
 2902 Subpart DD of 35 Ill. Adm. Code 725 and has placed its
 2903 professional engineer certification that the building
 2904 complies with the design standards specified in 35 Ill.
 2905 Adm. Code 725.1101 in the facility's operating record prior
 2906 to operation of the unit. The owner or operator must
 2907 maintain the records listed in subsection (g)(4)(F) of this
 2908 Section at the facility;
 2909
 2910 B) In addition, such a generator is exempt from all the requirements in
 2911 Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill.
 2912 Adm. Code 725.211 and 725.214;
 2913
 2914 C) The date upon which each period of accumulation begins is clearly
 2915 marked and visible for inspection on each container;
 2916
 2917 D) While being accumulated on-site, each container and tank is
 2918 labeled or marked clearly with the words, "Hazardous Waste"; and
 2919
 2920 E) The generator complies with the requirements for owners or
 2921 operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35
 2922 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a)(5).
 2923
 2924 F) Required records for a containment building:
 2925
 2926 i) A written description of procedures to ensure that the F006
 2927 waste remains in the unit for no more than 180 days, a
 2928 written description of the waste generation and
 2929 management practices for the facility showing that they are
 2930 consistent with the 180-day limit, and documentation that
 2931 the generator is complying with the procedures; or
 2932
 2933 ii) Documentation that the unit is emptied at least once every
 2934 180 days.

2935
 2936 BOARD NOTE: The Board has codified 40 CFR
 2937 262.34(g)(4)(i)(C)(1) and (g)(4)(i)(C)(2) as subsections (g)(4)(F)(i)
 2938 and (g)(4)(F)(ii) because Illinois Administrative Code codification
 2939 requirements do not allow the use of a fifth level of subsection

- 2940 indents.
- 2941
- 2942 h) A generator that generates 1,000 kilograms or greater of hazardous waste per
- 2943 calendar month, which also generates wastewater treatment sludges from
- 2944 electroplating operations that meet the listing description for the RCRA hazardous
- 2945 waste code F006, and which must transport this waste or offer this waste for
- 2946 transportation over a distance of 200 miles or more for off-site metals recovery
- 2947 may accumulate F006 waste on-site for more than 90 days, but not more than 270
- 2948 days, without a permit or without having interim status if the generator complies
- 2949 with the requirements of subsections (g)(1) through (g)(4) of this Section.
- 2950
- 2951 i) A generator accumulating F006 in accordance with subsections (g) and (h) of this
- 2952 Section that accumulates F006 waste on-site for more than 180 days (or for more
- 2953 than 270 days if the generator must transport this waste or offer this waste for
- 2954 transportation over a distance of 200 miles or more) or which accumulates more
- 2955 than 20,000 kilograms of F006 waste on-site is an operator of a storage facility,
- 2956 and such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725,
- 2957 and 727 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the
- 2958 generator has been granted an extension to the 180-day (or 270-day if applicable)
- 2959 period or an exception to the 20,000 kilogram accumulation limit.
- 2960
- 2961 1) On a case-by-case basis, the Agency must grant a provisional variance that
- 2962 allows an extension of the accumulation time up to an additional 30 days
- 2963 pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b),
- 2964 36(c), and 37(b)] if it finds that the F006 waste must remain on-site for
- 2965 longer than 180 days (or 270 days if applicable) due to unforeseen,
- 2966 temporary, and uncontrollable circumstances.
- 2967
- 2968 2) On a case-by-case basis, the Agency must grant a provisional variance
- 2969 pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b),
- 2970 36(c), and 37(b)] that allows an exception to the 20,000 kilogram
- 2971 accumulation limit if the Agency finds that more than 20,000 kilograms of
- 2972 F006 waste must remain on-site due to unforeseen, temporary, and
- 2973 uncontrollable circumstances.
- 2974
- 2975 3) A generator must follow the procedure of 35 Ill. Adm. Code 180 (Agency
- 2976 procedural rules) when seeking a provisional variance under subsection
- 2977 (i)(1) or (i)(2) of this Section.
- 2978
- 2979 j) This subsection (j) corresponds with 40 CFR 262.34(j), which became obsolete
- 2980 when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741
- 2981 (May 14, 2009). USEPA has recognized that program-related rules are no longer

2982 effective at 75 Fed. Reg. 12989, 12992, note 1 (Mar. 18, 2010). This statement
 2983 maintains structural consistency with the corresponding federal requirements.
 2984

2985 k) This subsection (k) corresponds with 40 CFR 262.34(k), which became obsolete
 2986 when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741
 2987 (May 14, 2009). USEPA has recognized that program-related rules are no longer
 2988 effective at 75 Fed. Reg. 12989, 12992, and note 1 (Mar. 18, 2010). This
 2989 statement maintains structural consistency with the corresponding federal
 2990 requirements.
 2991

2992 l) This subsection (l) corresponds with 40 CFR 262.34(l), which became obsolete
 2993 when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741
 2994 (May 14, 2009). USEPA has recognized that program-related rules are no longer
 2995 effective at 75 Fed. Reg. 12989, 12992, note 1 (Mar. 18, 2010). This statement
 2996 maintain structural consistency with the corresponding federal requirements.
 2997

2998 m) A generator that sends a shipment of hazardous waste to a designated facility with
 2999 the understanding that the designated facility can accept and manage the waste
 3000 and which later receives that shipment back as a rejected load or residue in
 3001 accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code
 3002 724.172 or 725.172 may accumulate the returned waste on-site in accordance with
 3003 subsections (a) and (b) or (d), (e), and (f) of this Section, depending on the
 3004 amount of hazardous waste on-site in that calendar month. Upon receipt of the
 3005 returned shipment, the generator must sign the appropriate of the following:
 3006

- 3007 1) Item 18c of the manifest, if the transporter returned the shipment using the
 3008 original manifest; or
- 3009 2) Item 20 of the manifest, if the transporter returned the shipment using a
 3010 new manifest.
 3011

3012
 3013 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
 3014

3015 **Section 722.135 Liquids in Landfills Prohibition**
 3016

3017 The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste
 3018 containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
 3019 Prior to disposal in a hazardous waste landfill, liquids must meet the additional requirements as
 3020 specified in 35 Ill. Adm. Code 724.414 and 725.414.
 3021

3022 (Source: Added at 42 Ill. Reg. _____, effective _____)
 3023

3024 **SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS**

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APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.140 Recordkeeping

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

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

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

Section 722.141 Annual Reporting for Large Quantity Generators

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

- 3068 was shipped during the year;
 3069
 3070 4) The name and USEPA identification number of each transporter used
 3071 during the reporting year for shipments to a treatment, storage, or disposal
 3072 facility within the United States;
 3073
 3074 5) A description, USEPA hazardous waste number (from Subpart C or D of
 3075 35 Ill. Adm. Code 721), USDOT hazard class and quantity of each
 3076 hazardous waste shipped off site for shipments to a treatment, storage, or
 3077 disposal facility within the United States. This information must be listed
 3078 by USEPA identification number of each off-site facility to which waste
 3079 was shipped;
 3080
 3081 6) A description of the efforts undertaken during the year to reduce the
 3082 volume and toxicity of waste generated;
 3083
 3084 7) A description of the changes in volume and toxicity of waste actually
 3085 achieved during the year in comparison to previous years to the extent
 3086 such information is available for years prior to 1984; and
 3087
 3088 8) The certification signed by the generator or the generator's authorized
 3089 representative.
 3090

- 3091 b) Any generator that is an LQG for at least one month of any calendar year
 3092 (reporting year) treating, storing, or disposing treats, stores, or disposes of
 3093 hazardous waste on site on-site must complete and submit to the Agency by March
 3094 1 of the following even-numbered year an annual report on a form provided by
 3095 the Agency covering those wastes in accordance with the provisions of 35 Ill.
 3096 Adm. Code 702, 703, and 724 through 727. This requirement also applies to an
 3097 LQG that receives hazardous waste from a VSQG pursuant to Section
 3098 722.117(f). Reporting for exports of hazardous waste is not required on the annual
 3099 report form. A separate annual report requirement is set forth at Section 722.156.
 3100
 3101 c) Exports of hazardous waste to foreign countries are not required to be reported on
 3102 the annual report form. Section 722.183(g) establishes a separate annual report
 3103 requirement for hazardous waste exporters.
 3104

3105 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 3106

3107 **Section 722.142 Exception Reporting**
 3108

- 3109 a) Generators of greater than 1,000 kg (2,200 lbs) kilograms of hazardous waste in a
 3110 calendar month.

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

BOARD NOTE: The submission need be only a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned copy was not received.
 - c) A generator must comply with the requirements of subsection (a) or (b) ~~of this Section~~, as applicable, when a designated facility has forwarded a rejected shipment of hazardous waste or container residues contained in non-empty containers to an alternate facility using a new manifest (following the procedures of 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or 725.172(e)(1) through (e)(6)). For purposes of generator compliance with subsection (a) or (b) ~~of this~~

3154 Section, when a designated facility forwards a shipment of rejected waste to an
3155 alternate facility, the following requirements apply:
3156

- 3157 1) The copy of the manifest received by the generator must have the
3158 handwritten signature of the owner or operator of the alternate facility in
3159 place of the signature of the owner or operator of the designated facility;
3160 and
3161
- 3162 2) The 35-, 45-, or 60-day timeframes begin on the date that the initial
3163 transporter accepts the waste from the designated facility for shipment to
3164 the alternate facility.
3165

3166 (Source: Amended at 42 Ill. Reg. _____, effective _____)
3167

3168 **Section 722.143 Additional Reporting**
3169

3170 The Agency, as it deems necessary under Section 4 of the Illinois Environmental Protection Act
3171 [~~415 ILCS 5/4~~], may require generators to furnish additional reports concerning the quantities
3172 and disposition of wastes identified or listed in 35 Ill. Adm. Code Part 721.
3173

3174 (Source: Amended at 42 Ill. Reg. _____, effective _____)
3175

3176 **Section 722.144 Recordkeeping ~~Special Requirements for Small Quantity Generators of~~**
3177 **~~between 100 and 1,000 kilograms per month~~**
3178

3179 Of the requirements in this Subpart D, ~~an SQG a generator of greater than 100 kilograms but less~~
3180 ~~than 1,000 kilograms of hazardous waste in a calendar month is subject to only the following~~
3181 independent requirements:
3182

- 3183 a) Section 722.140(a), (c), and (d), recordkeeping;
3184
3185 b) Section 722.142(b), exception reporting; and
3186
3187 c) Section 722.143, additional reporting.
3188

3189 (Source: Amended at 42 Ill. Reg. _____, effective _____)
3190

3191 **Section 722.150 Applicability (Repealed)**
3192

3193 ~~This Subpart E establishes requirements applicable to exports of hazardous waste. Except to the~~
3194 ~~extent Section 722.158 provides otherwise, a primary exporter of hazardous waste must comply~~
3195 ~~with the special requirements of this Subpart E and a transporter transporting hazardous waste~~
3196 ~~for export must comply with applicable requirements of 35 Ill. Adm. Code 723. Section 722.158~~

3197 sets forth the requirements of international agreements between the United States and receiving
3198 countries that establish different notice, export, and enforcement procedures for the
3199 transportation, treatment, storage, and disposal of hazardous waste for shipments between the
3200 United States and those countries.

3201
3202 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
3203

3204 **Section 722.151 Definitions (Repealed)**
3205

3206 In addition to the definitions set forth at 35 Ill. Adm. Code 720.110, the following definitions
3207 apply to this Subpart E:

3208
3209 "Consignee" means the ultimate treatment, storage, or disposal facility in a
3210 receiving country to which the hazardous waste will be sent.

3211
3212 "Primary Exporter" means any person that is required to originate the manifest for
3213 a shipment of hazardous waste in accordance with Subpart B of this Part that
3214 specifies a treatment, storage or disposal facility in a receiving country as the
3215 facility to which the hazardous waste will be sent and any intermediary arranging
3216 for the export.

3217
3218 "Receiving country" means a foreign country to which a hazardous waste is sent
3219 for the purpose of treatment, storage, or disposal (except short-term storage
3220 incidental to transportation).

3221
3222 "Transit country" means any foreign country, other than a receiving country,
3223 through which a hazardous waste is transported.

3224
3225 "USEPA Acknowledgment of Consent" means the cable sent to USEPA from the
3226 United States Embassy in a receiving country that acknowledges the written
3227 consent of the receiving country to accept the hazardous waste and describes the
3228 terms and conditions of the receiving country's consent to the shipment.

3229
3230 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
3231

3232 **Section 722.152 General Requirements (Repealed)**
3233

3234 Exports of hazardous waste are prohibited except in compliance with the applicable requirements
3235 of this Subpart E and 35 Ill. Adm. Code 723. Exports of hazardous waste are prohibited unless
3236 the following conditions are fulfilled:

- 3237
3238 a) Notification in accordance with Section 722.153 has been provided;
3239

- 3240 b) ~~The receiving country has consented to accept the hazardous waste;~~
- 3241
- 3242 e) ~~A copy of the USEPA Acknowledgment of Consent to the shipment accompanies~~
- 3243 ~~the hazardous waste shipment and, unless exported by rail, is attached to the~~
- 3244 ~~manifest (or shipping paper for exports by water (bulk shipment)); and~~
- 3245
- 3246 d) ~~The hazardous waste shipment conforms to the terms of the receiving country's~~
- 3247 ~~written consent as reflected in the USEPA Acknowledgment of Consent.~~
- 3248

3249 (Source: Repealed at 42 Ill. Reg. _____, effective _____)

3250

3251 **Section 722.153 Notification of Intent to Export (Repealed)**

- 3252
- 3253 a) ~~A primary exporter of hazardous waste must notify USEPA in accordance with~~
- 3254 ~~federal 40 CFR 262.53 (Notification of Intent to Export), incorporated by~~
- 3255 ~~reference in 35 Ill. Adm. Code 720.111(b).~~
- 3256
- 3257 b) ~~The primary exporter must send the Agency a copy of each notice sent to USEPA~~
- 3258 ~~pursuant to subsection (a) of this Section.~~
- 3259

3260 (Source: Repealed at 42 Ill. Reg. _____, effective _____)

3261

3262 **Section 722.154 Special Manifest Requirements (Repealed)**

- 3263
- 3264 a) ~~A primary exporter must comply with the manifest requirements as specified in~~
- 3265 ~~federal 40 CFR 262.54 (Special Manifest Requirements), incorporated by~~
- 3266 ~~reference in 35 Ill. Adm. Code 720.111(b).~~
- 3267
- 3268 b) ~~The primary exporter must send a copy of the manifest to the Agency.~~
- 3269

3270 (Source: Repealed at 42 Ill. Reg. _____, effective _____)

3271

3272 **Section 722.155 Exception Report (Repealed)**

- 3273
- 3274 a) ~~In lieu of the requirements of Section 722.142, a primary exporter must file an~~
- 3275 ~~exception report with USEPA as provided by federal 40 CFR 262.55 (Exception~~
- 3276 ~~Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~
- 3277
- 3278 b) ~~The primary exporter must send a copy of the exception report to the Agency.~~
- 3279

3280 (Source: Repealed at 42 Ill. Reg. _____, effective _____)

3281

3282 **Section 722.156 Annual Reports (Repealed)**

- 3283
3284 a) Primary exporters of hazardous waste must file with USEPA, no later than March
3285 1 of each year, a report as specified in federal 40 CFR 262.56 (Annual Reports),
3286 incorporated by reference in 35 Ill. Adm. Code 720.111(b).
3287
3288 b) The primary exporter must send the Agency a copy of each report sent to USEPA.
3289
3290 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
3291

3292 **Section 722.157 Recordkeeping (Repealed)**
3293

3294 For all exports a primary exporter must comply with the recordkeeping requirements of federal
3295 40 CFR 262.57 (Recordkeeping), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
3296

3297 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
3298

3299 **Section 722.158 International Agreements (Repealed)**
3300

- 3301 a) Any person that exports or imports waste hazardous under U.S. national
3302 procedures, as defined in Section 722.181, to or from any of the designated
3303 member countries of the Organisation for Economic Co-operation and
3304 Development (OECD), as listed in subsection (a)(1), for purposes of recovery is
3305 subject to the requirements of Subpart H of this Part. The requirements of
3306 Subparts E and F of this Part do not apply where Subpart H of this Part applies.
3307
3308 1) For the purposes of this Subpart E, the designated OECD countries are
3309 Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia,
3310 Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy,
3311 Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland,
3312 Portugal, the Republic of Korea, the Slovak Republic, Slovenia, Spain,
3313 Sweden, Switzerland, Turkey, the United Kingdom, and the United States.
3314
3315 2) Only for the purposes of Subpart E of this Part, Canada and Mexico are
3316 considered OECD member countries.
3317

3318 BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d),
3319 corresponding 262.58(a), and 262.80(a) to define when a waste is considered
3320 hazardous under U.S. national procedures. The Board has chosen to create the
3321 term "waste hazardous under U.S. national procedures"; add a definition in
3322 Section 722.181, the centralized listing of definitions for Subpart H of this Part;
3323 and replace USEPA's defining language in this subsection (a) with a cross-
3324 reference to the definition in Section 722.181.
3325

- 3326 b) Any person that exports hazardous waste to or imports hazardous waste from any

3327 designated OECD member country for purposes other than recovery (e.g.,
3328 incineration, disposal, etc.), Mexico (for any purpose), or Canada (for any
3329 purpose) remains subject to the requirements of Subparts E and F of this Part, and
3330 that person is not subject to the requirements of Subpart H of this Part.
3331

3332 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
3333

3334 **Section 722.160 Imports of Hazardous Waste (Repealed)**
3335

- 3336 a) Any person that imports hazardous waste from a foreign country into the United
3337 States must comply with the requirements of this Part and the special
3338 requirements of this Subpart F.
3339
- 3340 b) When importing hazardous waste, a person must meet all the requirements of
3341 Section 722.120 for the manifest, except that the following information items are
3342 substituted:
3343
- 3344 1) In place of the generator's name, address, and USEPA identification
3345 number, the name and address of the foreign generator and the importer's
3346 name, address, and USEPA identification number must be used.
3347
 - 3348 2) In place of the generator's signature on the certification statement, the
3349 United States importer or the importer's agent must sign and date the
3350 certification and obtain the signature of the initial transporter.
3351
- 3352 e) A person that imports hazardous waste must obtain the manifest form as provided
3353 in Section 722.121.
3354
- 3355 d) In the International Shipments block of the manifest, the importer must check the
3356 import box and enter the point of entry (city and State) into the United States.
3357
- 3358 e) The importer must provide the transporter with an additional copy of the manifest
3359 to be submitted by the receiving facility to USEPA in accordance with 35 Ill.
3360 Adm. Code 724.171(a)(3) or 725.171(a)(3), as appropriate.
3361

3362 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
3363

3364 SUBPART H: TRANS-BOUNDARY SHIPMENTS OF
3365 HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL
3366

3367 **Section 722.180 Applicability**
3368

- 3369 a) The requirements of this Subpart H apply to transboundary movements imports

3370 and exports of hazardous waste hazardous under U.S. national procedures, as
3371 defined in Section 722.181.
3372

3373 BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d),
3374 262.58(a), and corresponding 262.80(a) to define when a waste is considered
3375 hazardous under U.S. national procedures. The Board has chosen to create the
3376 term "waste hazardous under U.S. national procedures"; add a definition in
3377 Section 722.181, the centralized listing of definitions for Subpart H of this Part;
3378 and replace USEPA's defining language in this subsection (a) with a cross-
3379 reference to the definition in Section 722.181.
3380

- 3381 b) Any person (including importer, exporter, disposal facility operator, or recovery
3382 facility operator) that mixes two or more wastes (including hazardous and non-
3383 hazardous wastes) or which otherwise subjects two or more wastes (including
3384 hazardous and non-hazardous wastes) to physical or chemical transformation
3385 operations, and thereby creates a new hazardous waste, becomes a generator and
3386 assumes all subsequent generator duties under this Subchapter c and any exporter
3387 duties under this Subpart H, as applicable.
3388

3389 (Source: Amended at 42 Ill. Reg. _____, effective _____)
3390

3391 Section 722.181 Definitions 3392

3393 In addition to the definitions in 35 Ill. Adm. Code 720.110, theThe following definitions apply to
3394 this Subpart H and to other provisions within this Part 722 as specifically indicated:
3395

3396 "Amber control procedures" means the controls listed in Section D of Annex A
3397 ("Amber Control Procedure") to OECD Guidance Manual, incorporated by
3398 reference in 35 Ill. Adm. Code 720.111(a).
3399

3400 BOARD NOTE: The Board added this definition.

3401 "Amber waste" means a waste listed in Appendix 4 ("List of Wastes Subject to the
3402 Amber Control Procedure") to Annex A and in Annex C ("OECD Consolidated
3403 List of Wastes Subject to the Amber Control Procedure") to OECD Guidance
3404 Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
3405

3406 BOARD NOTE: The Board added this definition.

3407 "Competent authority" means the regulatory authority or authorities of countries
3408 concerned having jurisdiction over trans-boundary movements of wastes ~~destined~~
3409 ~~for recovery operations.~~

3410 BOARD NOTE: Under the Basel Convention on the Control of Transboundary
3411 Movements of Hazardous Wastes and Their Disposal (Basel Convention), party
3412 countries are required to establish or designate competent authorities to facilitate

3413 implementation of the Convention. Basel Convention, art. 5 (as amended through
3414 May 27, 2014). The Basel Convention, United Nations Environment Programme
3415 maintains an on-line list of competent authorities by country:
3416 <http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.
3417

3418 "Countries concerned" means the ~~OECD member~~ countries of export or import
3419 and any ~~OECD member~~ countries of transit. Use of singular "concerned country"
3420 is contemplated within this definition where the text refers only a single country.
3421

3422 "~~Consent" means the specific or general consent or approval obtained pursuant to~~
3423 ~~Section 722.183 from the competent authority of the country of export (for export~~
3424 ~~from that country), the country of transit (for transit through that country), or the~~
3425 ~~country of import (for import into that country), as required under the applicable~~
3426 ~~of the Amber control procedures or red control procedures.~~
3427 ~~BOARD NOTE: The Board added this definition.~~
3428

3429 "Country of export" means any designated ~~OECD member~~ country listed in
3430 ~~Section 722.158(a)(1)~~ from which a trans-boundary movement of hazardous
3431 waste is planned to be initiated or is initiated.
3432

3433 "Country of import" means any designated ~~OECD member~~ country listed in
3434 ~~Section 722.158(a)(1)~~ to which a trans-boundary movement of hazardous waste is
3435 planned or takes place for the purpose of submitting the waste to recovery or
3436 disposal operations in that country.
3437

3438 "Country of transit" means any designated ~~OECD member~~ country listed in
3439 ~~Section 722.158(a)(1) or (a)(2)~~ other than the country of export or country of
3440 import across which a trans-boundary movement of waste is planned to be
3441 initiated or takes place.
3442

3443 "Disposal operations" means activities that do not lead to the possibility of
3444 resource recovery, recycling, reclamation, direct re-use, or alternate uses, which
3445 include the following:
3446

3447 D1 Release or Deposit into or onto land, other than by any of
3448 operations D2 through D5 or D12.
3449

3450 D2 Land treatment, such as biodegradation of liquids or sludges in
3451 soils.
3452

3453 D3 Deep injection, such as injection into wells, salt domes, or
3454 naturally occurring repositories.
3455

- 3456 D4 Surface impoundment, such as placing of liquids or sludges into
3457 pits, ponds, or lagoons.
3458
- 3459 D5 Specially engineered landfill, such as placement into lined discrete
3460 cells which are capped and isolated from one another and the
3461 environment.
3462
- 3463 D6 Release into a water body other than a sea or ocean, and other than
3464 by operation D4.
3465
- 3466 D7 Release into a sea or ocean, including sea-bed insertion, other than
3467 by operation D4.
3468
- 3469 D8 Biological treatment not specified elsewhere in operations D1
3470 through D12 that results in final compounds or mixtures which are
3471 discarded by means of any of operations D1 through D12.
3472
- 3473 D9 Physical or chemical treatment not specified elsewhere in
3474 operations D1 through D12, such as evaporation, drying,
3475 calcination, neutralization, or precipitation, that results in final
3476 compounds or mixtures which are discarded by means of any of
3477 operations D1 through D12.
3478
- 3479 D10 Incineration on land.
3480
- 3481 D11 Incineration at sea.
3482
- 3483 D12 Permanent storage.
3484
- 3485 D13 Blending or mixing, prior to any of operations D1 through D12.
3486
- 3487 D14 Repackaging, prior to any of operations D1 through D13.
3488
- 3489 D15 Interim storage, prior to any of operations D1 through D12 (for
3490 transboundary movements other than with Canada).
3491
- 3492 DC15 Release, including the venting of compressed or liquified gases, or
3493 treatment, other than by any of operations D1 to D12 (for
3494 transboundary movements with Canada only).
3495
- 3496 DC16 Testing of a new technology to dispose of a hazardous waste (for
3497 transboundary movements with Canada only).
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DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).

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

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

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

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

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

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

BOARD NOTE: The Board added this definition.

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

BOARD NOTE: The Board added this definition.

3542 "Import" means the transportation of hazardous waste from a location under the
3543 jurisdiction of another country to a location under the jurisdiction of the United
3544 States for the purposes of recovery or disposal operations at the destination.
3545

3546 "Importer" means the person that is assigned possession or other form of legal
3547 control of the hazardous waste at the time the imported hazardous waste is
3548 received in the United States country of import.
3549

3550 "OECD" means the Organisation for Economic Co-operation Cooperation and
3551 Development.
3552

3553 "OECD-listed waste" means, for the purposes of this Subpart H, Green waste or
3554 Amber waste, as defined in this Section.

3555 BOARD NOTE: USEPA used the term "listed wastes" in 40 CFR 262.82(a)(1)
3556 and (a)(2) (2010) (corresponding with 35 Ill. Adm. Code 722.182(a)(1) and
3557 (a)(2)), referring to Green waste and Amber waste. The Board changed the term
3558 to "OECD-listed waste" and added this definition, based on the discussions at 75
3559 Fed. Reg. 1236, 1241, 1247 (Jan. 8, 2010), to distinguish this use in the context of
3560 waste export from the common use of the same term to describe waste defined as
3561 hazardous under Subpart D of 40 CFR 261 (2010) (corresponding with Subpart D
3562 of 35 Ill. Adm. Code 721).
3563

3564 "OECD area" means all land or marine areas under the national jurisdiction of any
3565 OECD member country listed in Section 722.158. When the regulations refer to
3566 shipments to or from an OECD member country, this means OECD area.
3567

3568 "OECD Guidance Manual" means "Guidance Manual for the Implementation of
3569 Council Decision C(2001)107/FINAL, as amended, on the Control of
3570 Transboundary Movements of Wastes Destined for Recovery Operations," 2009
3571 (also called "Guidance Manual for the Control of Transboundary Movements of
3572 Recoverable Materials" in OECD documents), but only the segments incorporated
3573 by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive
3574 requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20;
3575 C(2005)141 and C(2008)156.

3576 BOARD NOTE: The Board added this definition. Although USEPA
3577 conventionally refers to the OECD requirements by the designation
3578 "C(2001)107/FINAL," USEPA incorporated the OECD Guidance Manual by
3579 reference for the substance of the OECD requirements. The substance of the
3580 OECD requirements requires reference to the Basel Convention on the Control of
3581 Transboundary Movements of Hazardous Wastes and Their Disposal (Basel
3582 Convention) for full meaning, and the OECD Guidance Manual includes Annexes
3583 A through C, which present the full text of OECD decision C(2001)107/FINAL
3584 and the Basel Convention. For these reasons, the Board refers directly to the

3585 OECD Guidance Manual and incorporates Annexes A through C of the Guidance
3586 Manual by reference.
3587

3588 "OECD member country" means any of the countries that are members of the
3589 OECD and participate in the OECD Guidance Manual.

3590 BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a
3591 list of OECD Member countries on the Internet. ([https://www.epa.gov/](https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd)
3592 hwgenerators/international-agreements-transboundary-shipments-hazardous-
3593 waste#oecd).
3594

3595 "OECD waste designation" means, for the purposes of this Subpart H, the
3596 designation by OECD of waste as Green waste or Amber waste, as defined in this
3597 Section.
3598

3599 BOARD NOTE: USEPA used the term "designation of waste type(s) from the
3600 appropriate OECD list" in 40 CFR 262.83(d)(12) (2010) (corresponding with 35
3601 Ill. Adm. Code 722.183(d)(12)). The Board changed USEPA's term to "OECD
3602 waste designation" to replace USEPA's language and added this definition of the
3603 created term, interpreting the plain language of 40 CFR 262.83(d)(12) and
3604 262.89(d) (2010) (corresponding with 35 Ill. Adm. Code 722.183(a)(12) and
3605 722.189(d)) to mean Green waste and Amber waste.
3606

3607 "Receiving facility" means a facility within the jurisdiction of the United States
3608 that operates or is authorized to operate to receive hazardous wastes and to
3609 perform recovery or disposal operations on them under RCRA and other
3610 applicable domestic laws.
3611

3612 "Recognized trader" means a person that, with appropriate authorization of
3613 countries concerned, acts in the role of principal to purchase and subsequently sell
3614 wastes; this person has legal control of such wastes from time of purchase to time
3615 of sale; such a person may act to arrange and facilitate trans-boundary movements
3616 of wastes destined for recovery operations.
3617

3618 "Recovery facility" means a facility that, under applicable domestic law, is
3619 operating or is authorized to operate in the country of import to receive wastes
3620 and to perform recovery operations on them.
3621

3622 "Recovery operations" means activities leading to resource recovery, recycling,
3623 reclamation, direct re-use, or alternative uses, which include the following types
3624 of operations:
3625

3626 R1 Use as a fuel (other than in direct incineration) or other means to
3627 generate energy,

- 3628
 3629 R2 Solvent reclamation or regeneration,
 3630
 3631 R3 Recycling or reclamation of organic substances that are not used as
 3632 solvents,
 3633
 3634 R4 Recycling or reclamation of metals and metal compounds,
 3635
 3636 R5 Recycling or reclamation of other inorganic materials,
 3637
 3638 R6 Regeneration of acids or bases,
 3639
 3640 R7 Recovery of components used for pollution abatement,
 3641
 3642 R8 Recovery of components from used catalysts,
 3643
 3644 R9 Used oil re-refining or other reuses of previously used oil,
 3645
 3646 R10 Land treatment resulting in benefit to agriculture or ecological
 3647 improvement,
 3648
 3649 R11 Uses of residual materials obtained from any of the operations
 3650 numbered R1 through R10 (for transboundary shipments other than
 3651 with Canada),
 3652
 3653 R12 Exchange of wastes for submission to any of the operations
 3654 numbered R1 through R11 (for transboundary shipments other than
 3655 with Canada), and
 3656
 3657 R13 Accumulation of material intended for any operation numbered R1
 3658 through R12 (for transboundary shipments other than with Canada)
 3659 in this listing.
 3660
 3661 RC14 Recovery or regeneration of a substance or use or re-use of a
 3662 recyclable material, other than by any of operations R1 through
 3663 R10 (for transboundary shipments with Canada only).
 3664
 3665 RC15 Testing of a new technology to recycle a hazardous recyclable
 3666 material (for transboundary shipments with Canada only).
 3667
 3668 RC16 Interim storage prior to any of operations R1 through R11 or RC14
 3669 (for transboundary shipments with Canada only).
 3670

3671 "Trans-boundary movement" means any movement of hazardous wastes from an
3672 area under the national jurisdiction of one ~~OECD member~~-country to an area under
3673 the national jurisdiction of another ~~OECD member~~-country.
3674

3675 "~~Waste hazardous under U.S. national procedures~~" means, for the purposes of
3676 Sections ~~722.110(d) and 722.159(a) and Subpart H of this Part~~, a waste that meets
3677 the definition of hazardous waste, as set forth in 35 Ill. Adm. Code 721.103, and
3678 which is subject to any of the following regulations:
3679

3680 ~~The hazardous waste manifesting requirements of Subpart B of this Part;~~

3681
3682 ~~The universal waste management standards of 35 Ill. Adm. Code 733, 40~~
3683 ~~CFR 273, or analogous requirements of a sister state; or~~

3684
3685 ~~The export requirements in the spent lead-acid battery management~~
3686 ~~standards of Subpart G of 35 Ill. Adm. Code 726, subpart G of 40 CFR~~
3687 ~~266, or analogous requirements of a sister state.~~
3688

3689 BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d),
3690 262.58(a), and 262.80(a) to define when a waste is considered hazardous under
3691 U.S. national procedures. The Board has chosen to create the term "waste
3692 hazardous under U.S. national procedures" for uniform use wherever this type of
3693 waste is intended; add a definition in this Section, the centralized listing of
3694 definitions for Subpart H of this Part; and replace USEPA's defining language in
3695 40 CFR 262.10(d), 262.58(a), and 262.80(a) with cross-references to this
3696 definition.
3697

3698 "USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends
3699 to the exporter documenting the specific terms of the country of import's consent
3700 and any countries of transit's consents.

3701 BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the
3702 definition of "export license" in 15 CFR 30.1.
3703

3704 (Source: Amended at 42 Ill. Reg. _____, effective _____)
3705

3706 **Section 722.182 General Conditions**

3707

- 3708 a) Scope. The level of control for exports and imports of waste ~~hazardous under U.S.~~
3709 ~~national procedures~~, as defined in Section ~~722.181~~, is indicated by designation of
3710 the waste as either Green waste or Amber waste, as such are defined in Section
3711 ~~722.181~~, and whether the waste is or is not hazardous waste.
3712

- 3713 1) Green list~~OECD~~-listed wastes subject to the ~~Green control~~ procedures.

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- A) ~~Green waste that is not waste-hazardous waste under U.S. national procedures, as defined in Section 722.181, is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.~~
- B) ~~Green waste that is waste-hazardous waste under U.S. national procedures, as defined in Section 722.181, is subject to the requirements of Amber control procedures set forth in Subpart H.~~
- 2) ~~Amber OECD-listed wastes subject to the Amber control procedures.~~
 - A) ~~Amber waste that is waste-hazardous waste under U.S. national procedures, as defined in Section 722.181, is subject to the Amber control procedures set forth in this Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.~~
 - B) ~~Amber waste that is waste hazardous under U.S. national procedures, as defined in Section 722.181, is subject to the Amber control procedures within the United States, even if they are imported to or exported from a designated OECD member country listed in Section 722.158(a)(1) that does not consider the waste to be hazardous. In such an event, the responsibilities of the Amber control procedures shift as follows:~~
 - i) ~~For exports of Amber waste from the United States, exporter must comply with Section 722.183 USEPA has stated that the United States will issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import.~~
 - ii) ~~For imports of Amber waste into the United States, USEPA has stated that the U.S. recovery or disposal facility and their importer must comply with Section 722.184 assume the obligations associated with the Amber control procedures that normally apply to the exporter, and the United States will assume the obligations associated with the Amber control procedures that normally apply to the country of export.~~

3756 BE) Amber waste that is not waste-hazardous ~~waste~~under U.S. national
3757 ~~procedures, as defined in Section 722.181,~~ but which is considered
3758 hazardous by ~~the other an OECD member country,~~ is subject to the
3759 Amber control procedures in the ~~OECD member country that~~
3760 ~~considers the waste hazardous, and are not subject to the~~
3761 ~~requirements of this Subpart H.~~ All responsibilities of the U.S.
3762 importer or exporter shift to the foreign importer or foreign
3763 exporter in the other importer or exporter of the OECD member
3764 country that considers the waste hazardous unless the parties make
3765 other arrangements through contracts.
3766

3767 BOARD NOTE: Some Amber wastes that are subject to ~~Amber control~~
3768 ~~procedures are not listed or otherwise identified as hazardous under~~
3769 ~~RCRA,~~ and therefore are not subject to the requirements Amber control
3770 procedures of this Subpart H. Regardless of the status of the waste under
3771 RCRA, however, other federal environmental statutes (e.g., the Toxic
3772 Substances Control Act (42 USC 2601 et seq.)) restrict certain waste
3773 imports or exports. These restrictions continue to apply without regard to
3774 this Subpart H.
3775

3776 3) Mixtures~~Procedures for mixtures of wastes.~~
3777

3778 A) A Green waste that is mixed with one or more other Green wastes
3779 such that the resulting mixture is not waste-hazardous waste is
3780 notunder U.S. national procedures, as defined in Section 722.181,
3781 is subject to the requirements of this Subpart H~~Green control~~
3782 ~~procedures, provided the composition of this mixture does not~~
3783 ~~impair its environmentally sound recovery.~~
3784

3785 BOARD NOTE: USEPA has noted that the law of some ~~OECD~~
3786 ~~member countries~~ may require that mixtures of different Green
3787 wastes be subject to the Amber control procedures.
3788

3789 B) A Green waste that is mixed with one or more Amber wastes, in
3790 any amount, de minimis or otherwise, or a mixture of two or more
3791 Amber wastes, ~~such that the resulting waste mixture is waste~~
3792 ~~hazardous~~ wasteunder U.S. national procedures, as defined in
3793 Section 722.181, is subject to the requirements of this Subpart
3794 H~~Amber control procedures, provided the composition of this~~
3795 ~~mixture does not impair its environmentally sound recovery.~~
3796

3797 BOARD NOTE: USEPA has noted that the law of some ~~OECD~~
3798 ~~member countries~~ may require that a mixture of a Green waste and

3799 more than a de minimis amount of an Amber waste or a mixture of
 3800 two or more Amber wastes be subject to the Amber control
 3801 procedures.
 3802

3803 4) Waste that is not yet OECD-listed waste is eligible for trans-boundary
 3804 movements, as follows:
 3805

3806 A) If such waste is ~~waste-hazardous waste~~ under U.S. national
 3807 procedures, as defined in Section 722.181, the waste is subject to
 3808 the requirements of this Subpart H Amber control procedures.
 3809

3810 B) If such waste is not ~~waste-hazardous waste~~ under U.S. national
 3811 procedures, as defined in Section 722.181, the waste is not subject
 3812 to the requirements of this Subpart H Green control procedures.
 3813

3814 b) General conditions applicable to trans-boundary movements of hazardous waste.
 3815

3816 1) The hazardous waste must be destined for recovery or disposal operations
 3817 at a facility that, under applicable domestic law, is operating or is
 3818 authorized to operate in the importing country of import;
 3819

3820 2) The trans-boundary movement must ~~comply~~ be in compliance with
 3821 applicable international transport agreements; and
 3822

3823 BOARD NOTE: These international agreements include, but are not
 3824 limited to, the Chicago Convention (1944), ADR (1957), ADN (1970),
 3825 MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG
 3826 Code (1985), COTIF (1985), and RID (1985).
 3827

3828 3) Any transit of hazardous waste through one or more countries ~~a non-OECD~~
 3829 ~~member country~~ must comply ~~be conducted in compliance~~ with all
 3830 applicable international and national laws and regulations.
 3831

3832 e) ~~Provisions relating to re-export for recovery to a third country.~~
 3833

3834 1) ~~Re-export of waste that is subject to the Amber control procedures from~~
 3835 ~~the United States, as the country of import, to a third country listed in~~
 3836 ~~Section 722.158(a)(1) may occur only after an exporter in the United~~
 3837 ~~States provides notification to and obtains consent from the competent~~
 3838 ~~authorities in the third country, the original country of export, and any~~
 3839 ~~transit countries. The notification must comply with the notice and~~
 3840 ~~consent procedures in Section 722.183 for all countries concerned and the~~
 3841 ~~original exporting country. The competent authorities of the original~~

3842 exporting country, as well as the competent authorities of all other
 3843 concerned countries, have 30 days to object to the proposed movement.

3844
 3845 A) The 30-day period begins once the competent authorities of both
 3846 the initial country of export and new country of import issue
 3847 Acknowledgments of Receipt of the notification.

3848
 3849 B) The trans-boundary movement may commence if no objection has
 3850 been lodged after the 30-day period has passed or immediately
 3851 after written consent is received from all relevant OECD countries
 3852 of import and countries of transit.

3853
 3854 2) In the case of re-export of Amber waste to a country other than those listed
 3855 in Section 722.158(a)(1), notification to and consent of the competent
 3856 authorities of the original OECD member country of export and any
 3857 OECD member countries of transit is required as specified in subsection
 3858 (c)(1) of this Section in addition to compliance with all international
 3859 agreements and arrangements to which the first importing OECD member
 3860 country is a party and all applicable regulatory requirements for exports
 3861 from the first country of import.

3862
 3863 d) Duty to return or re-export wastes subject to the Amber control procedures.
 3864 When a trans-boundary movement of wastes subject to the Amber control
 3865 procedures cannot be completed in accordance with the terms of the contract or
 3866 the consents and alternative arrangements cannot be made to recover the waste in
 3867 an environmentally sound manner in the country of import, the waste must be
 3868 returned to the country of export or re-exported to a third country. The provisions
 3869 of subsection (c) of this Section apply to any shipments to be re-exported to a
 3870 third country. The following provisions apply to shipments to be returned to the
 3871 country of export, as appropriate:

3872
 3873 1) Return from the United States to the country of export. The U.S. importer
 3874 must inform USEPA at the address specified in Section 722.183(b)(1)(A)
 3875 of the need to return the shipment. USEPA stated that it will then inform
 3876 the competent authorities of the countries of export and transit, citing the
 3877 reasons for returning the waste. The U.S. importer must complete the
 3878 return within 90 days from the time USEPA informs the country of export
 3879 of the need to return the waste, unless informed in writing by USEPA of
 3880 another timeframe agreed to by the concerned OECD member countries.
 3881 If the return shipment will cross any transit country, the return shipment
 3882 may only occur after USEPA provides notification to and obtains consent
 3883 from the competent authority of the country of transit, and provides a copy
 3884 of that consent to the U.S. importer.

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

3928 laboratory analysis to assess its physical or chemical characteristics or to
3929 determine its suitability for recovery or disposal operations, the sample does not
3930 exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and
3931 labeled, and the sample complies with the conditions of 35 Ill. Adm. Code
3932 721.104(d) or (e).
3933

3934 e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals
3935 required in this Subpart H to be made by postal mail or hand delivery should be
3936 sent to the following addresses:
3937

3938 1) For Postal Mail Delivery:
3939

3940 Office of Enforcement and Compliance Assurance
3941 Office of Federal Activities
3942 International Compliance Assurance Division (2254A)
3943 Environmental Protection Agency
3944 1200 Pennsylvania Avenue NW.
3945 Washington, DC 20460.
3946

3947 2) For Hand-Delivery:
3948

3949 Office of Enforcement and Compliance Assurance
3950 Office of Federal Activities
3951 International Compliance Assurance Division
3952 Environmental Protection Agency
3953 William Jefferson Clinton South Bldg., Room 6144
3954 12th St. and Pennsylvania Ave NW.
3955 Washington, DC 20004.
3956

3957 f) ~~Requirements for wastes destined for and received by facilities engaged in R12~~
3958 ~~and R13 recovery operations. The trans-boundary movement of wastes destined~~
3959 ~~for an R12 or R13 recovery operation must comply with all Amber control~~
3960 ~~procedures for notification and consent, as set forth in Section 722.183, and for~~
3961 ~~the movement document, as set forth in Section 722.184. Additional~~
3962 ~~responsibilities of a facility engaged in an R12 or R13 recovery operation include~~
3963 ~~the following:~~
3964

3965 1) ~~Indicating in the notification document the foreseen recovery facility or~~
3966 ~~facilities where the subsequent R1 through R11 recovery operation will~~
3967 ~~take place or may take place.~~
3968

3969 2) ~~Within three days after the receipt of the wastes by a facility engaged in an~~
3970 ~~R12 or R13 recovery operation, the facility owner or operator must return~~

3971 a signed copy of the movement document to the exporter and to the
3972 competent authorities of the country of export and the country of import.
3973 The facility owner or operator must retain the original of the movement
3974 document for three years.
3975

- 3976 3) As soon as possible, but no later than 30 days after the completion of the
3977 R12 or R13 recovery operation and no later than one calendar year
3978 following the receipt of the waste, an R12 or R13 recovery operation
3979 facility owner or operator must send a certificate of recovery to the foreign
3980 exporter and to the competent authority of the country of export and to
3981 USEPA, by mail, email without digital signature followed by mail, or fax
3982 followed by mail, at the following address:
3983

3984 Office of Enforcement and Compliance Assurance
3985 Office of Federal Activities, International Compliance Assurance
3986 Division (2254A)
3987 Environmental Protection Agency
3988 1200 Pennsylvania Avenue, NW
3989 Washington, DC 20460.
3990

- 3991 4) When an a facility engaged in an R12 or R13 recovery operation delivers
3992 wastes for recovery to a facility engaged in an R1 through R11 recovery
3993 operation located in the country of import, the owner or operator of the
3994 R12 or R13 recovery operation facility must obtain, as soon as possible,
3995 but no later than one calendar year following delivery of the waste, a
3996 certification from the R1 through R11 recovery operation that recovery of
3997 the wastes at that facility has been completed. The owner or operator of
3998 the R12 or R13 recovery operation facility must promptly transmit the
3999 applicable certification to the competent authorities of the country of
4000 import and the country of export, identifying the trans boundary
4001 movements to which the certification pertains.
4002

- 4003 5) When an R12 or R13 recovery operation facility delivers wastes for
4004 recovery to an R1 through R11 recovery operation facility located as
4005 follows, the indicated requirements apply:
4006

- 4007 A) In the initial country of export, Amber control procedures apply,
4008 including a new notification;
4009
4010 B) In a third country other than the initial country of export, Amber
4011 control procedures apply, with the additional requirement that the
4012 competent authority of the initial country of export must also be
4013 notified of the trans boundary movement.

4014
 4015 g) ~~Laboratory analysis exemption. The trans-boundary movement of an Amber~~
 4016 ~~waste is exempt from the Amber control procedures if the Amber waste is in~~
 4017 ~~certain quantities and destined for laboratory analysis to assess its physical or~~
 4018 ~~chemical characteristics or determine its suitability for recovery operations. The~~
 4019 ~~quantity of such Amber waste must be determined by the minimum quantity~~
 4020 ~~reasonably needed to adequately perform the analysis in each particular case, but~~
 4021 ~~in no case may the amount of Amber waste exceed 25 kilograms (kg). Amber~~
 4022 ~~waste destined for laboratory analysis must still be appropriately packaged and~~
 4023 ~~labeled.~~

4024
 4025 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 4026

4027 **Section 722.183 Exports of Hazardous Waste ~~Notification and Consent~~**

- 4028
 4029 a) General export requirements. Except as provided in subsections (a)(5) and (a)(6),
 4030 an exporter that receives an AOC from USEPA before December 31, 2016 is
 4031 subject to that approval and the requirements listed in the AOC as they existed at
 4032 the time of that approval until the approval period expires. All other exports of
 4033 hazardous waste are prohibited unless the following conditions are fulfilled:
 4034
 4035 1) The exporter complies with the contract requirements in subsection (f);
 4036
 4037 2) The exporter complies with the notification requirements in subsection
 4038 (b);
 4039
 4040 3) The exporter receives an AOC from USEPA documenting consent from
 4041 the countries of import and transit (and original country of export if
 4042 exporting previously imported hazardous waste);
 4043
 4044 4) The exporter ensures compliance with the movement documents
 4045 requirements in subsection (d);
 4046
 4047 5) The exporter ensures compliance with the manifest instructions for export
 4048 shipments in subsection (c); and
 4049
 4050 6) The exporter or a U.S. authorized agent must submit electronic export
 4051 information (EEI) for each shipment to the Automated Export System
 4052 (AES) or its successor system, under the International Trade Data System
 4053 (ITDS) platform, in accordance with 15 CFR 30.4(b), incorporated by
 4054 reference in 35 Ill. Adm. Code 720.111, and includes the following items
 4055 in the EEI, along with the other information required under 15 CFR 30.6,
 4056 incorporated by reference in 35 Ill. Adm. Code 720.111;

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- A) The USEPA license code;
 - B) The commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12), incorporated by reference in 35 Ill. Adm. Code 720.111;
 - C) The USEPA consent number for each hazardous waste;
 - D) The country of ultimate destination code per 15 CFR 30.6(a)(5), incorporated by reference in 35 Ill. Adm. Code 720.111;
 - E) The date of export per 15 CFR 30.6(a)(2), incorporated by reference in 35 Ill. Adm. Code 720.111;
 - F) The RCRA hazardous waste manifest tracking number, if required;
 - G) The quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15), incorporated by reference in 35 Ill. Adm. Code 720.111; or
 - H) The USEPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.
- b) Notifications.
- 1) General notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to USEPA of the proposed transboundary movement. Notifications must be submitted electronically using USEPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and the notification must include all of the following information:
 - A) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
 - B) The foreign receiving facility name, address, telephone, fax

- 4100 numbers, email address, technologies employed, and the applicable
 4101 recovery or disposal operations, as defined in Section 722.181;
 4102
 4103 C) The foreign importer name (if not the owner or operator of the
 4104 foreign receiving facility), address, telephone, fax numbers, and
 4105 email address;
 4106
 4107 D) The intended transporters or their agents; address, telephone, fax,
 4108 and email address;
 4109
 4110 E) "U.S." as the country of export name, "USA01" as the relevant
 4111 competent authority code, and the intended U.S. ports of exit;
 4112
 4113 F) The International Standard ISO 3166-1:2013, incorporated by
 4114 reference in 35 Ill. Adm. Code 720.111, country name alpha-2
 4115 code, any code for the OECD/Basel competent authority, and the
 4116 ports of entry and exit for each country of transit;
 4117
 4118 G) The International Standard ISO 3166-1:2013, incorporated by
 4119 reference in 35 Ill. Adm. Code 720.111, country name alpha-2
 4120 code, any code for the OECD/Basel competent authority, and port
 4121 of entry for the country of import;
 4122
 4123 H) A statement of whether the notification covers a single shipment or
 4124 multiple shipments;
 4125
 4126 I) The start and end dates requested for transboundary movements;
 4127
 4128 J) The planned means of transport;
 4129
 4130 K) A description of each hazardous waste, including whether each
 4131 hazardous waste is regulated universal waste under 35 Ill. Adm.
 4132 Code 733, spent lead-acid batteries being exported for recovery of
 4133 lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl
 4134 alcohol being exported for reclamation under 35 Ill. Adm. Code
 4135 721.106(a)(3)(A); the estimated total quantity of each waste in
 4136 either metric tons or cubic meters; the applicable USEPA
 4137 hazardous waste numbers for each hazardous waste; the applicable
 4138 waste code from the lists in the OECD Guidance Manual,
 4139 incorporated by reference in 35 Ill. Adm. Code 720.111; and the
 4140 United Nations/USDOT identification number from the Hazardous
 4141 Materials Table in 49 CFR 172.101, incorporated by reference in
 4142 35 Ill. Adm. Code 720.111, for each waste;

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

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

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

Name:

Signature:

Date:

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

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

3) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the foreign receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address,

4186 technologies employed, and which of the applicable recovery or disposal
 4187 operations R1 through R11 and D1 through D12 the final foreign recovery
 4188 or disposal facility will employ. For transboundary movements to Canada,
 4189 in addition to the foregoing foreign receiving facilities listed in subsection
 4190 (b)(1)(B), if the foreign receiving facility will engage in interim recovery
 4191 operations RC16 or interim disposal operations DC17, the notification
 4192 submitted according to subsection (b)(1) must also include the final
 4193 foreign recovery or disposal facility name, address, telephone, fax
 4194 numbers, email address, technologies employed, and which of the
 4195 applicable recovery or disposal operations R1 through R11, RC14 to
 4196 RC15, D1 through D12, and DC15 to DC16 the final foreign recovery or
 4197 disposal facility will employ. The recovery and disposal operations in this
 4198 subsection are defined in Section 722.181.
 4199

4200 4) Renotifications. When the exporter wishes to change any of the
 4201 information specified on the original notification (including increasing the
 4202 estimate of the total quantity of hazardous waste specified in the original
 4203 notification or adding transporters), the exporter must submit a
 4204 renotification of the changes to USEPA using the allowable methods in
 4205 subsection (b)(1). Any shipment using the requested changes cannot take
 4206 place until the countries of import and transit consent to the changes and
 4207 the exporter receives an USEPA AOC letter documenting the countries'
 4208 consents to the changes.
 4209

4210 5) Where the proposed country of import and recovery or disposal operations
 4211 are not covered under an international agreement to which both the United
 4212 States and the country of import are parties, USEPA will coordinate with
 4213 the Department of State to provide the complete notification to the country
 4214 of import and any countries of transit. In all other cases, USEPA will
 4215 provide the notification directly to the country of import and any countries
 4216 of transit. A notification is complete when USEPA receives a notification
 4217 that USEPA determines satisfies the requirements of subsections (b)(1)(A)
 4218 through (b)(1)(M).
 4219

4220 6) Where the countries of import and transit consent to the proposed
 4221 transboundary movements of the hazardous wastes, USEPA will forward
 4222 an USEPA AOC letter to the exporter documenting the countries'
 4223 consents. Where any of the countries of import and transit objects to the
 4224 proposed transboundary movements of the hazardous waste or withdraws
 4225 a prior consent, USEPA stated that it will notify the exporter.
 4226

4227 7) Export of hazardous wastes for recycling or disposal operations that were
 4228 originally imported into the United States for recycling or disposal

4229 operations in a third country is prohibited unless an exporter in the United
4230 States complies with the export requirements in Section 722.183,
4231 including providing notification to USEPA in accordance with subsection
4232 (b)(1). In addition to listing all required information in subsections
4233 (b)(1)(A) through (b)(1)(M), the exporter must provide the original
4234 consent number issued for the initial import of the wastes in the
4235 notification, and receive an AOC from USEPA documenting the consent
4236 of the competent authorities in new country of import, the original country
4237 of export, and any transit countries prior to reexport.

4238
4239 8) Upon request by USEPA, the exporter must furnish to USEPA any
4240 additional information which the country of import requests in order to
4241 respond to a notification.
4242

4243 c) RCRA Manifest Instructions for Export Shipments. The exporter must comply
4244 with the manifest requirements of Sections 722.120 through 722.123, with the
4245 following exceptions:
4246

4247 1) (Block 8): In lieu of the name, site address and USEPA ID number of the
4248 designated facility, the exporter must enter the name and site address of
4249 the foreign receiving facility;

4250
4251 2) (Block 16): In the International Shipments block, the exporter must check
4252 the export box and enter the port of exit (city and state) from the United
4253 States.
4254

4255 3) The exporter must list the consent number from the AOC for each
4256 hazardous waste listed on the manifest, matched to the relevant list
4257 number for the hazardous waste from block 9b. If additional space is
4258 needed, the exporter should use Continuation Sheets (USEPA Form 8700-
4259 22A).

4260 4) The exporter may obtain the manifest from any source that is registered
4261 with the USEPA as a supplier of manifests (e.g., a state, a waste handler,
4262 or a commercial forms printer).
4263

4264
4265 BOARD NOTE: USEPA maintains a listing of registered sources at
4266 [https://www.epa.gov/hwgenerators/approved-registered-printers-epas-](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry)
4267 [manifest-registry](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry)
4268

4269 d) Movement Document Requirements for Export Shipments.
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4271 1) An exporter must ensure that a movement document meeting the

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conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the wastes reach the foreign receiving facility, including cases where the hazardous waste is stored or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as follows:

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

2) The movement document must include the following:

- A) The corresponding consent numbers and USEPA hazardous waste numbers for the listed hazardous waste from the relevant USEPA AOCs;
- B) The shipment number and the total number of shipments from the USEPA AOC;
- C) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
- D) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
- E) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
- F) A description of each hazardous waste; the quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable OECD waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code

4315 720.111; and the United Nations/USDOT identification number
4316 from the Hazardous Materials Table in 49 CFR 172.101,
4317 incorporated by reference in 35 Ill. Adm. Code 720.111, for each
4318 hazardous waste;

4319
4320 G) The date movement commenced;

4321
4322 H) The name (if not exporter), address, telephone, fax numbers, and
4323 email of company originating the shipment;

4324
4325 I) The company name, USEPA identification number, address,
4326 telephone, fax, and email address of each transporter;

4327
4328 J) Identification (license, registered name, or registration number) of
4329 means of transport, including types of packaging;

4330
4331 K) Any special precautions to be taken by transporters;

4332
4333 L) A declaration and certification signed and dated by the exporter
4334 that the information in the movement document is complete and
4335 correct;

4336
4337 M) The appropriate signatures for each custody transfer (e.g.,
4338 transporter, importer, and owner or operator of the foreign
4339 receiving facility);

4340
4341 N) Each U.S. person that has physical custody of the hazardous waste
4342 from the time the movement commences until it arrives at the
4343 foreign receiving facility must sign the movement document (e.g.,
4344 transporter, foreign importer, and owner or operator of the foreign
4345 receiving facility); and

4346
4347 O) As part of the contract requirements per subsection (f), the exporter
4348 must require that the foreign receiving facility send a copy of the
4349 signed movement document to the competent authorities of the
4350 countries of import and transit to confirm receipt within three
4351 working days of shipment delivery to the exporter. The exporter
4352 must additionally require that the foreign receiving facility send a
4353 copy to USEPA at the same time using the WIETS described in
4354 subsection (b)(1).

4355
4356 e) Duty to Return or Re-Export Hazardous Wastes. When a transboundary
4357 movement of hazardous wastes cannot be completed in accordance with the terms

4358 of the contract or the consents and alternative arrangements cannot be made to
 4359 recover or dispose of the waste in an environmentally sound manner in the
 4360 country of import, the exporter must ensure that the hazardous waste is returned to
 4361 the United States or reexported to a third country. If the waste must be returned,
 4362 the exporter must provide for the return of the hazardous waste shipment within
 4363 ninety days from the time the country of import informs USEPA of the need to
 4364 return the waste or such other period of time as the concerned countries agree. In
 4365 all cases, the exporter must submit an exception report to USEPA in accordance
 4366 with subsection (h).

4367
 4368 f) Export Contract Requirements.
 4369

4370 1) Exports of hazardous waste are prohibited unless they occur under the
 4371 terms of a valid written contract, chain of contracts, or equivalent
 4372 arrangements (when the movement occurs between parties controlled by
 4373 the same corporate or legal entity). A contract or equivalent arrangements
 4374 for export of hazardous waste must be executed by the exporter, foreign
 4375 importer (if different from the foreign receiving facility), and the owner or
 4376 operator of the foreign receiving facility. The contract or equivalent
 4377 arrangements must specify responsibilities for each of the exporter, the
 4378 foreign importer, and the owner or operator of the foreign receiving
 4379 facility. A contract or equivalent arrangements is valid for the purposes
 4380 only if each person assuming obligations under the contracts or equivalent
 4381 arrangements has appropriate legal status to conduct the operations
 4382 specified in the contract or equivalent arrangements.

4383
 4384 2) A contract or equivalent arrangements must specify the name and USEPA
 4385 identification number of the following:
 4386

4387 A) The company from where each export shipment of hazardous
 4388 waste is initiated;

4389 B) Each person who will have physical custody of the hazardous
 4390 wastes;

4391 C) Each person who will have legal control of the hazardous wastes;
 4392 and

4393 D) The foreign receiving facility.
 4394

4395
 4396 3) A contract or equivalent arrangements must specify which party to the
 4397 contract will assume responsibility for alternate management of the
 4398 hazardous waste if its disposition cannot be carried out as described in the
 4399
 4400

4401 notification of intent to export. For this contingency, contracts must
 4402 specify the following:

4403
 4404 A) That the transporter or foreign receiving facility having actual
 4405 possession or physical control over the hazardous wastes will
 4406 immediately inform the exporter, USEPA, and either the
 4407 competent authority of the country of transit or the competent
 4408 authority of the country of import of the need to make alternate
 4409 management arrangements; and

4410
 4411 B) That the person specified in the contract will assume responsibility
 4412 for the adequate management of the hazardous wastes in
 4413 compliance with applicable laws and regulations, including
 4414 arranging the return of hazardous wastes, providing the notification
 4415 for re-export to the competent authority in the country of import,
 4416 including the equivalent of the information required in subsection
 4417 (b)(1) and the original consent number issued for the initial export
 4418 of the hazardous wastes in the notification, and obtaining consent
 4419 from USEPA and the competent authorities in the new country of
 4420 import and any transit countries, as necessary, prior to re-export.

4421
 4422 4) A contract must require that the foreign receiving facility send a copy of
 4423 the signed movement document to confirm receipt within three working
 4424 days of shipment delivery to the exporter and to the competent authorities
 4425 of the countries of import and transit. The contract must additionally
 4426 require that the foreign receiving facility send a copy to USEPA at the
 4427 same time using the WIETS described in subsection (b)(1).

4428
 4429 5) A contract must require that the foreign receiving facility send a copy of
 4430 the signed and dated confirmation of recovery or disposal to the exporter
 4431 and to the competent authority of the country of import, as soon as
 4432 possible, but no later than thirty days after completing recovery or disposal
 4433 on the waste in the shipment and no later than one calendar year following
 4434 receipt of the waste. The contract must additionally require that the
 4435 foreign receiving facility send a copy to USEPA at the same time using
 4436 the WIETS described in subsection (b)(1).

4437
 4438 6) A contract must require that the foreign importer or the foreign receiving
 4439 facility that performed interim recycling operations R12, R13, or RC16, or
 4440 interim disposal operations D13 through D15 or DC17, (recovery and
 4441 disposal operations defined in 35 Ill. Adm. Code 722.181) do the
 4442 appropriate of the following:
 4443

- 4444 A) Provide the notification required in subsection (f)(3)(B) prior to
4445 any re-export of the hazardous wastes to a final foreign recovery or
4446 disposal facility in a third country; and
4447
4448 B) Promptly send copies of the confirmation of recovery or disposal
4449 that it receives from the final foreign recovery or disposal facility
4450 to the competent authority of the country of import within one year
4451 of shipment delivery to the final foreign recovery or disposal
4452 facility that performed one of recovery operations R1 through R11,
4453 or RC16 or one of disposal operations D1 through D12, DC15, or
4454 DC16. The contracts must additionally require that the foreign
4455 facility send copies to USEPA at the same time using the WIETS
4456 described in subsection (b)(1).
4457
4458 7) A contract or equivalent arrangements must include provisions for
4459 financial guarantees, if required by the competent authorities of the
4460 country of import and any countries of transit, in accordance with
4461 applicable national or international law requirements.
4462
4463 BOARD NOTE: Financial guarantees required by competent authorities
4464 are intended to provide for alternate recycling, disposal, or other means of
4465 sound management of the wastes in cases where arrangements for the
4466 shipment and the recovery operations cannot be carried out as foreseen.
4467 The United States does not require such financial guarantees at this time;
4468 however, some OECD member countries and other foreign countries do.
4469 It is the responsibility of the exporter to ascertain and comply with any
4470 foreign requirements; in some cases, persons or facilities located in those
4471 OECD member countries or other foreign countries may refuse to enter
4472 into the necessary contracts absent specific references or certifications to
4473 financial guarantees.
4474
4475 8) A contract or equivalent arrangements must contain provisions requiring
4476 each contracting party to comply with all applicable requirements of this
4477 Subpart H.
4478
4479 9) Upon request by USEPA or the Agency, U.S. exporters, importers, or
4480 recovery facilities must submit to the requestor copies of contracts, chain
4481 of contracts, or equivalent arrangements (when the movement occurs
4482 between parties controlled by the same corporate or legal entity).
4483
4484 g) Annual reports. The exporter must file an annual report with USEPA no later
4485 than March 1 of each year summarizing the types, quantities, frequency, and
4486 ultimate destination of all such hazardous waste exported during the previous

4487 calendar year. Prior to December 31, 2018, the exporter must mail or hand-
 4488 deliver annual reports to USEPA for all shipments made the previous calendar
 4489 year using one of the appropriate of the addresses specified in Section 722.182(e),
 4490 or submit to USEPA using the WIETS described in subsection (b)(1) if the
 4491 exporter has electronically filed USEPA information in AES per subsection
 4492 (a)(6)(A)(i). Subsequently, the exporter must submit annual reports to USEPA
 4493 using the WIETS described in subsection (b)(1). The annual report must include
 4494 all of the following information:

- 4495
- 4496 1) The USEPA identification number, name, and mailing and site address of
 4497 the exporter filing the report;
- 4498
- 4499 2) The calendar year covered by the report;
- 4500
- 4501 3) The name and site address of each foreign receiving facility;
 4502
- 4503 4) By foreign receiving facility, for each hazardous waste exported:
 4504
- 4505 A) A description of the hazardous waste;
- 4506
- 4507 B) The applicable USEPA hazardous waste numbers (from Subpart C
 4508 or D of 35 Ill. Adm. Code 721) for each waste;
- 4509
- 4510 C) The applicable waste code from the appropriate OECD waste list
 4511 in the OECD Guidance Manual, incorporated by reference in 35
 4512 Ill. Adm. Code 720.111;
- 4513
- 4514 D) The applicable USDOT identification number from the Hazardous
 4515 Materials Table in 49 CFR 172.101, incorporated by reference in
 4516 35 Ill. Adm. Code 720.111;
- 4517
- 4518 E) The name and USEPA identification number (where applicable)
 4519 for each transporter used over the calendar year covered by the
 4520 report; and
- 4521
- 4522 F) The consent numbers under which the hazardous waste was
 4523 shipped, and for each consent number, the total amount of the
 4524 hazardous waste and the number of shipments exported during the
 4525 calendar year covered by the report;
- 4526
- 4527 5) In even numbered years, for each hazardous waste exported, except for
 4528 hazardous waste produced by exporters of greater than 100 kg but less
 4529 than 1,000 kg in a calendar month, and except for hazardous waste for

4530 which information was already provided pursuant to Section 722.141:

4531

4532 A) A description of the efforts undertaken during the year to reduce
4533 the volume and toxicity of the waste generated; and

4534

4535 B) A description of the changes in volume and toxicity of the waste
4536 actually achieved during the year in comparison to previous years
4537 to the extent such information is available for years prior to 1984;
4538 and

4539

4540 6) A certification signed by the exporter that states:

4541

4542 I certify under penalty of law that I have personally examined and
4543 am familiar with the information submitted in this and all attached
4544 documents, and that based on my inquiry of those individuals
4545 immediately responsible for obtaining the information, I believe
4546 that the submitted information is true, accurate, and complete. I
4547 am aware that there are significant penalties for submitting false
4548 information including the possibility of fine and imprisonment.

4549

4550 h) Exception Reports.

4551

4552 1) The exporter must file an exception report in lieu of the requirements of
4553 Section 722.142 (if applicable) with USEPA if any of the following
4554 occurs:

4555

4556 A) The exporter has not received a copy of the RCRA hazardous
4557 waste manifest (if applicable) signed by the transporter identifying
4558 the point of departure of the hazardous waste from the United
4559 States within 45 days from the date hazardous waste was accepted
4560 by the initial transporter, in which case the exporter must file the
4561 exception report within the next 30 days;

4562

4563 B) The exporter has not received a written confirmation of receipt
4564 from the foreign receiving facility in accordance with subsection
4565 (d) within 90 days from the date the waste was accepted by the
4566 initial transporter in which case the exporter must file the
4567 exception report within the next 30 days; or

4568

4569 C) The foreign receiving facility notifies the exporter, or the country
4570 of import notifies USEPA, of the need to return the shipment to the
4571 U.S. or arrange alternate management, in which case the exporter
4572 must file the exception report within 30 days of notification, or one

4573 day prior to the date the return shipment commences, whichever is
4574 sooner.

- 4575
4576 2) Prior to December 31, 2018, exception reports must be mailed or hand
4577 delivered to USEPA using the addresses listed in Section 722.182(e).
4578 Subsequently, exception reports must be submitted to USEPA using the
4579 WIETS described in subsection (b)(1).

4580
4581 i) Recordkeeping.
4582

- 4583 1) The exporter must keep the following records in subsections (i)(1)(A)
4584 through (i)(1)(E) and provide them to USEPA or Agency personnel upon
4585 request:

4586
4587 A) A copy of each notification of intent to export and each USEPA
4588 AOC for a period of at least three years from the date the
4589 hazardous waste was accepted by the initial transporter;

4590
4591 B) A copy of each annual report for a period of at least three years
4592 from the due date of the report;

4593
4594 C) A copy of any exception reports and a copy of each confirmation
4595 of receipt (i.e., movement document) sent by the foreign receiving
4596 facility to the exporter for at least three years from the date the
4597 hazardous waste was accepted by the initial transporter;

4598
4599 D) A copy of each confirmation of recovery or disposal sent by the
4600 foreign receiving facility to the exporter for at least three years
4601 from the date that the foreign receiving facility completed interim
4602 or final processing of the hazardous waste shipment; and

4603
4604 E) A copy of each contract or equivalent arrangement established per
4605 Section 722.185 for at least three years from the expiration date of
4606 the contract or equivalent arrangement.

- 4607
4608 2) The exporters may satisfy these recordkeeping requirements by retaining
4609 electronically submitted documents in the exporter's account on USEPA's
4610 WIETS, provided that copies are readily available for viewing and
4611 production if requested by any USEPA or Agency inspector. No exporter
4612 may be held liable for the inability to produce such documents for
4613 inspection under this section if the exporter can demonstrate that the
4614 inability to produce the document is due exclusively to technical difficulty
4615 with USEPA's WIETS for which the exporter bears no responsibility.

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

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

- a) ~~Applicability. Consent must be obtained from the competent authorities of the relevant OECD country of import and country of transit prior to exporting hazardous waste destined for recovery operations subject to this Subpart H. Hazardous wastes subject to Amber control procedures are subject to the requirements of subsection (b) of this Section, and wastes that are not OECD-listed waste are subject to the requirements of subsection (c) of this Section.~~
- b) ~~Amber wastes. Export of hazardous waste from the United States, as described in Section 722.180(a), that is subject to the Amber control procedures is prohibited unless the notification and consent requirements of subsection (b)(1) or subsection (b)(2) of this Section are met.~~
 - 1) ~~Transactions requiring specific consent.~~
 - A) ~~Notification. At least 45 days prior to commencement of each trans-boundary movement, the exporter must provide written notification in English of the proposed trans-boundary movement to the Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield IL 62794-9276, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in subsection (d) of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, the same USEPA hazardous waste codes, and the Amber wastes are to be sent periodically to the same recovery facility by the same exporter, the exporter may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year. Even when a general notification is used for multiple shipments, each shipment still~~

- 4659 must be accompanied by its own movement document pursuant to
 4660 Section 722.184.
 4661
 4662 B) Tacit consent. If no objection has been lodged by any country
 4663 concerned (i.e., country of export, country of import, or country of
 4664 transit) to a notification provided pursuant to subsection (b)(1)(A)
 4665 of this Section within 30 days after the date of issuance of the
 4666 Acknowledgement of Receipt of notification by the competent
 4667 authority of the country of import, the trans-boundary movement
 4668 may commence. Tacit consent expires one calendar year after the
 4669 close of the 30-day period; renotification and renewal of all
 4670 consents is required for exports after that date.
 4671
 4672 C) Written consent. If the competent authorities of all the relevant
 4673 OECD importing and transit countries provide written consent in a
 4674 period less than 30 days, the trans-boundary movement may
 4675 commence immediately after all necessary consents are received.
 4676 Written consent expires for each relevant OECD importing and
 4677 transit country one calendar year after the date of that country's
 4678 consent unless otherwise specified; renotification and renewal of
 4679 each expired consent is required for exports after that date.
 4680
 4681 2) Trans-boundary movements to facilities pre-approved by the competent
 4682 authorities of the importing countries to accept specific wastes for
 4683 recovery.
 4684
 4685 A) Notification. The exporter must provide USEPA and the Agency a
 4686 notification that contains all of the information identified in
 4687 subsection (d) of this Section in English, at least 10 days in
 4688 advance of commencing shipment to a preapproved facility. The
 4689 notification must indicate that the recovery facility is preapproved,
 4690 and may apply to a single specific shipment or to multiple
 4691 shipments as described in subsection (b)(1)(A) of this Section.
 4692 This information must be sent to the Office of Enforcement and
 4693 Compliance Assurance, Office of Federal Activities, International
 4694 Compliance Assurance Division (2254A), Environmental
 4695 Protection Agency, 1200 Pennsylvania Ave., NW, Washington DC
 4696 20460, and the Illinois Environmental Protection Agency, Bureau
 4697 of Land, Division of Land Pollution Control, P.O. Box 19276,
 4698 Springfield IL 62794-9276, with the words "OECD Export
 4699 Notification – Pre-approved Facility" prominently displayed on the
 4700 envelope. General notifications that cover multiple shipments as
 4701 described in subsection (b)(1)(A) of this Section may cover a

- 4702 period of up to three years. Even when a general notification is
 4703 used for multiple shipments, each shipment still must be
 4704 accompanied by its own movement document pursuant to Section
 4705 722.184.
 4706
- 4707 B) Exports to pre-approved facilities may take place after the elapse
 4708 of seven working days from the issuance of an Acknowledgement
 4709 of Receipt of the notification by the competent authority of the
 4710 country of import, unless the exporter has received information
 4711 indicating that the competent authority of any country concerned
 4712 has objected to the shipment.
 4713
- 4714 e) ~~Waste that is not Green waste or Amber waste. Waste destined for recovery~~
 4715 ~~operations that is not Green waste or Amber waste, as defined in Section 722.181,~~
 4716 ~~but that is waste hazardous under U.S. national procedures, as defined in Section~~
 4717 ~~722.181, is subject to the notification and consent requirements established the~~
 4718 ~~Amber control procedures in accordance with subsection (b) of this Section.~~
 4719 ~~Waste destined for recovery operations that has not been assigned to the OECD~~
 4720 ~~Green and Amber lists incorporated by reference in 40 CFR 262.89(d), and that is~~
 4721 ~~not hazardous under U.S. national procedures, as defined in Section 722.181, are~~
 4722 ~~subject to the Green control procedures.~~
 4723
- 4724 d) Notification information. Notifications submitted under this Section must include
 4725 the following information:
 4726
- 4727 1) The serial number or other accepted identifier of the notification
 4728 document;
 - 4729 2) The exporter's name and USEPA identification number (if applicable),
 4730 address, telephone, fax, and email address;
 - 4731 3) The importing recovery facility's name, address, telephone, fax, e-mail
 4732 address, and technologies employed;
 - 4733 4) The importer's name (if not the owner or operator of the recovery facility),
 4734 address, and telephone, fax, and e-mail address; whether the importer will
 4735 engage in waste exchange recovery operation R12 or waste accumulation
 4736 recovery operation R13 prior to delivering the waste to the final recovery
 4737 facility; and identification of recovery operations to be employed at the
 4738 final recovery facility;
 - 4739 5) The intended transporters' or their agents' address, telephone, fax, and e-
 4740 mail address;
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- 6) ~~The country of export and relevant competent authority and point of departure;~~
 - 7) ~~The countries of transit and relevant competent authorities and points of entry and departure;~~
 - 8) ~~The country of import and relevant competent authority and point of entry;~~
 - 9) ~~A statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;~~
 - 10) ~~The dates foreseen for commencement of trans-boundary movements;~~
 - 11) ~~The means of transport envisaged;~~
 - 12) ~~The OECD waste designation (e.g., Green waste or Amber waste) for each waste type, a description of each waste type, the estimated total quantity of each waste type, the USEPA hazardous waste code for each waste type, and the United Nations number for each waste type;~~
 - 13) ~~The specification of the recovery operation, as defined in Section 722.181; and~~
 - 14) ~~A Certification/Declaration signed by the exporter that states as follows:~~

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

Name: _____

Signature: _____

Date: _____

!!

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

4783 e) ~~Certificate of recovery. As soon as possible, but no later than 30 days after the~~
 4784 ~~completion of recovery or one calendar year following receipt of the waste,~~
 4785 ~~whichever comes first, the U.S. recovery facility must send a certificate of~~
 4786 ~~recovery to the exporter and to the competent authorities of the countries of~~
 4787 ~~export and import. The recovery facility owner or operator must send the~~
 4788 ~~certificate of recovery by mail. Alternatively, the recovery facility owner or~~
 4789 ~~operator may send the certificate by e-mail without a digital signature or by fax,~~
 4790 ~~so long as the sending is immediately followed by mail. The certificate of~~
 4791 ~~recovery must include a signed, written, and dated statement which affirms that~~
 4792 ~~the waste materials were recovered in the manner agreed to by the parties to the~~
 4793 ~~contract required under Section 722.185.~~

4794
 4795 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 4796

4797 **Section 722.184 Imports of Hazardous Waste ~~Movement Document~~**

4798
 4799 a) General Import Requirements.

- 4800
 4801 1) With the exception of subsection (a)(5), the importer of a shipment
 4802 covered under a consent from USEPA to the country of export issued
 4803 before December 31, 2016 is subject to that approval and the requirements
 4804 that existed at the time of that approval until such time the approval period
 4805 expires. Otherwise, any person that imports hazardous waste from a
 4806 foreign country into the United States must comply with the requirements
 4807 of this Part and the special requirements of this Subpart H.
 4808
 4809 2) Where the country of export does not require the foreign exporter to
 4810 submit a notification and obtain consent to the export prior to shipment,
 4811 the importer must submit a notification to USEPA in accordance with
 4812 subsection (b).
 4813
 4814 3) The importer must comply with the contract requirements in subsection
 4815 (f).
 4816
 4817 4) The importer must ensure compliance with the movement documents
 4818 requirements in subsection (d); and
 4819
 4820 5) The importer must ensure compliance with the manifest instructions for
 4821 import shipments in subsection (c).

4822
 4823 b) Notifications. Where the competent authority of the country of export does not
 4824 regulate the waste as hazardous waste and, thus, does not require the foreign
 4825 exporter to submit to it a notification proposing export and obtain consent from

USEPA and the competent authorities for the countries of transit, but USEPA does regulate the waste as hazardous waste, the following requirements apply:

- 1) The importer is required to provide notification in English to USEPA of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. A notification submitted prior to the electronic import-export reporting compliance date must be mailed or hand delivered to USEPA at the addresses specified in Section 722.182(e). Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using USEPA's WIETS. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information:
 - A) The foreign exporter name, address, telephone, fax numbers, and email address;
 - B) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
 - C) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;
 - D) The intended transporters or their agents; address, telephone, fax, and email address;
 - E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;
 - F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;
 - G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of exit for the country of export;

- 4869 H) A statement of whether the notification covers a single shipment or
4870 multiple shipments;
- 4871
- 4872 I) The start and end dates requested for transboundary movements;
- 4873
- 4874 J) The planned means of transport;
- 4875
- 4876 K) A description of each hazardous waste, including whether each
4877 hazardous waste is regulated universal waste under 35 Ill. Adm.
4878 Code 733, spent lead-acid batteries being exported for recovery of
4879 lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl
4880 alcohol being exported for reclamation under 35 Ill. Adm. Code
4881 721.106(a)(3)(A); the estimated total quantity of each hazardous
4882 waste; the applicable USEPA hazardous waste numbers for each
4883 hazardous waste; the applicable waste code from the lists in the
4884 OECD Guidance Manual, incorporated by reference in 35 Ill.
4885 Adm. Code 720.111; and the United Nations/USDOT
4886 identification number from the Hazardous Materials Table in 49
4887 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code
4888 720.111, for each hazardous waste;
- 4889
- 4890 L) Specification of the recovery or disposal operations, as defined in
4891 Section 722.181; and
- 4892
- 4893 M) A declaration and certification signed by the exporter that states as
4894 follows:
4895
4896 I certify that the above information is complete and correct
4897 to the best of my knowledge. I also certify that legally
4898 enforceable written contractual obligations have been
4899 entered into and that any applicable insurance or other
4900 financial guarantee is or shall be in force covering the
4901 transboundary movement.
4902
4903 Name:
4904 Signature:
4905 Date:
4906
4907 BOARD NOTE: The United States does not currently require
4908 financial assurance for these waste shipments.
4909
4910 BOARD NOTE: The United Nations Environment Programme, Basel
4911 Convention maintains an on-line list of competent authorities by country

- 4912 (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The
 4913 European Commission maintains a list of competent authorities for
 4914 European Union members (ec.europa.eu/environment/waste/shipments/
 4915 pdf/list_competent_authorities.pdf).
- 4916
- 4917 2) Notifications Listing Interim Recycling Operations or Interim Disposal
 4918 Operations. If the receiving facility listed in subsection (b)(1)(B) will
 4919 engage in any of the interim recovery operations R12 or R13 or interim
 4920 disposal operations D13 through D15, the notification submitted according
 4921 to subsection (b)(1) must also include the final recovery or disposal
 4922 facility name, address, telephone, fax numbers, email address,
 4923 technologies employed, and which of the applicable recovery or disposal
 4924 operations R1 through R11 and D1 through D12, will be employed at the
 4925 final recovery or disposal facility. The recovery and disposal operations in
 4926 this subsection are defined in Section 722.181.
- 4927
- 4928 3) Renotifications. When the foreign exporter wishes to change any of the
 4929 conditions specified on the original notification (including increasing the
 4930 estimate of the total quantity of hazardous waste specified in the original
 4931 notification or adding transporters), the importer must submit a
 4932 renotification of the changes to USEPA using the allowable methods in
 4933 subsection (b)(1). Any shipment using the requested changes cannot take
 4934 place until USEPA and the countries of transit consent to the changes and
 4935 the importer receives an USEPA AOC letter documenting the consents to
 4936 the changes.
- 4937
- 4938 4) A notification is complete when USEPA determines the notification
 4939 satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).
- 4940
- 4941 5) Where USEPA and the countries of transit consent to the proposed
 4942 transboundary movements of the hazardous wastes, USEPA will forward
 4943 an USEPA AOC letter to the importer documenting the countries' consents
 4944 and USEPA's consent. Where any of the countries of transit or USEPA
 4945 objects to the proposed transboundary movements of the hazardous waste
 4946 or withdraws a prior consent, USEPA will notify the importer.
- 4947
- 4948 6) Export of Hazardous Wastes Originally Imported into the United States.
 4949 Export of hazardous wastes that were originally imported into the United
 4950 States for recycling or disposal operations is prohibited unless an exporter
 4951 in the United States complies with the export requirements in Section
 4952 722.183(b)(7).
- 4953
- 4954 c) RCRA Manifest Instructions for Import Shipments.

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- 1) When importing hazardous waste, the importer must meet all the requirements of Section 722.120 for the manifest, with the following exceptions:
 - A) (Block 5): In place of the generator's name, address and USEPA identification number, the name and address of the foreign generator and the importer's name, address and USEPA identification number must be used.
 - B) (Block 15): In place of the generator's signature on the certification statement, the importer or its agent must sign and date the certification and obtain the signature of the initial transporter.
 - 2) The importer may obtain the manifest form from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>
 - 3) In the International Shipments block (block 16), the importer must check the import box and enter the point of entry (city and state) into the United States.
 - 4) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3) and 725.171(a)(3).
 - 5) In lieu of the requirements of Section 722.120(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to do the following:
 - A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and
 - B) Revise the manifest in accordance with the importer's instructions.
- d) Movement Document Requirements for Import Shipments.
- 1) The importer must ensure that a movement document meeting the

- 4998 conditions of subsection (d)(2) accompanies each transboundary
 4999 movement of hazardous wastes from the initiation of the shipment in the
 5000 country of export until it reaches the receiving facility, including cases in
 5001 which the hazardous waste is stored or sorted by the importer prior to
 5002 shipment to the receiving facility, except as provided in subsections
 5003 (d)(1)(A) and (d)(1)(B).
- 5004
- 5005 A) For shipments of hazardous waste within the United States by
 5006 water (bulk shipments only), the importer must forward the
 5007 movement document to the last water (bulk shipment) transporter
 5008 to handle the hazardous waste in the United States if imported by
 5009 water.
- 5010
- 5011 B) For rail shipments of hazardous waste within the United States
 5012 which start from the company originating the export shipment, the
 5013 importer must forward the movement document to the next non-
 5014 rail transporter, if any, or the last rail transporter to handle the
 5015 hazardous waste in the United States if imported by rail.
- 5016
- 5017 2) The movement document must include the following:
- 5018
- 5019 A) The corresponding USEPA AOC numbers and USEPA hazardous
 5020 waste numbers for the listed waste;
- 5021
- 5022 B) The shipment number and the total number of shipments under the
 5023 USEPA AOC number;
- 5024
- 5025 C) The foreign exporter name, address, telephone, fax numbers, and
 5026 email address;
- 5027
- 5028 D) The receiving facility name, USEPA identification number,
 5029 address, telephone, fax numbers, email address, technologies
 5030 employed, and the applicable recovery or disposal operations, as
 5031 defined in Section 722.181;
- 5032
- 5033 E) The importer name (if not the owner or operator of the receiving
 5034 facility), USEPA identification number, address, telephone, fax
 5035 numbers, and email address;
- 5036
- 5037 F) A description of each hazardous waste, quantity of each hazardous
 5038 waste in the shipment; the applicable hazardous waste numbers for
 5039 each hazardous waste; the applicable waste code for each
 5040 hazardous waste from the lists in the OECD Guidance Manual,

- 5041 incorporated by reference in 35 Ill. Adm. Code 720.111; and the
5042 United Nations/USDOT identification number from the Hazardous
5043 Materials Table in 49 CFR 172.101, incorporated by reference in
5044 35 Ill. Adm. Code 720.111, for each hazardous waste;
5045
5046 G) The date movement commenced;
5047
5048 H) The name (if not the foreign exporter), address, telephone, fax
5049 numbers, and email of the foreign company originating the
5050 shipment;
5051
5052 I) The company name, USEPA identification number, address,
5053 telephone, fax, and email address of all transporters;
5054
5055 J) Identification (license, registered name or registration number) of
5056 the means of transport, including types of packaging;
5057
5058 K) Any special precautions to be taken by transporters;
5059
5060 L) A declaration and certification signed and dated by the foreign
5061 exporter that the information in the movement document is
5062 complete and correct;
5063
5064 M) The appropriate signatures for each custody transfer (e.g.,
5065 transporter, importer, and owner or operator of the receiving
5066 facility);
5067
5068 N) Each person that has physical custody of the waste from the time
5069 the movement commences until it arrives at the receiving facility
5070 must sign the movement document (e.g., transporter, importer, and
5071 owner or operator of the receiving facility); and
5072
5073 O) The receiving facility must send a copy of the signed movement
5074 document to the competent authorities of the countries of export
5075 and transit to confirm receipt within three working days after
5076 shipment delivery to the foreign exporter. For shipments received
5077 on or after the electronic import-export reporting compliance date,
5078 to USEPA electronically using USEPA's WIETS.
5079
5080 e) Duty to Return or Export Hazardous Wastes. When a transboundary movement
5081 of hazardous wastes cannot be completed in accordance with the terms of the
5082 contract or the consents, the provisions of subsection (f)(4) apply. If alternative
5083 arrangements cannot be made to recover the hazardous waste in an

environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subsection (b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

f) Import Contract Requirements.

- 1) Imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements must specify responsibilities for each of the foreign exporter, the importer, and the owner or operator of the receiving facility, and each must execute the contract or equivalent arrangements. A contract or equivalent arrangements is valid for the purposes of hazardous waste import only if all persons assuming obligations under the contract or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.
- 2) Contracts or equivalent arrangements must specify the name and USEPA identification number, where available, of the following persons:
 - A) The foreign company from which each import shipment of hazardous waste is initiated;
 - B) Each person that will have physical custody of the hazardous wastes;
 - C) Each person that will have legal control of the hazardous wastes; and
 - D) The receiving facility.
- 3) A contract or equivalent arrangements must specify the use of a movement document in accordance with Section 722.184(d).
- 4) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if the wastes' disposition cannot be carried out as described in the notification of intent to export submitted by either the

5127 foreign exporter or the importer. In such cases, the contract must specify
5128 each of the following:

5129
5130 A) That the transporter or receiving facility having actual possession
5131 or physical control over the hazardous wastes will immediately
5132 inform the foreign exporter, the importer, and the competent
5133 authority where the shipment is located of the need to arrange
5134 alternate management or return; and

5135
5136 B) That the person specified in the contract will assume responsibility
5137 for the adequate management of the hazardous wastes in
5138 compliance with applicable laws and regulations, including
5139 arranging the return of the hazardous wastes, if necessary,
5140 providing the notification for re-export as required by Section
5141 722.183(b)(7).

5142
5143 5) A contract must specify that the importer or the receiving facility
5144 performing interim recycling operations R12, R13, or RC16 or interim
5145 disposal operations D13 through D15 or DC15 through DC17, as
5146 appropriate, will provide the notification required by Section
5147 722.183(b)(7) prior to the re-export of hazardous waste. The recovery and
5148 disposal operations in this subsection are defined in Section 722.181.

5149
5150 6) A contract or equivalent arrangements must include provisions for
5151 financial guarantees, if required by the competent authorities of any
5152 countries concerned, in accordance with applicable national or
5153 international law requirements.

5154
5155 BOARD NOTE: Financial guarantees required by competent authorities
5156 are intended to provide for alternate recycling, disposal, or other means of
5157 sound management of the wastes in cases where arrangements for the
5158 shipment and the recovery operations cannot be carried out as foreseen.
5159 The United States does not require such financial guarantees at this time;
5160 however, some OECD Member countries or other foreign countries do. It
5161 is the responsibility of the importer to ascertain and comply with any
5162 financial requirements; in some cases, persons or facilities located in those
5163 countries may refuse to enter into the necessary contracts absent specific
5164 references or certifications to financial guarantees.

5165
5166 7) A contract or equivalent arrangements must contain provisions requiring
5167 each contracting party to comply with all applicable requirements of this
5168 Subpart H.
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- 8) Upon request by USEPA, an importer or disposal or recovery facility must submit to USEPA copies of the contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

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

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

 - h) Recordkeeping.
 - 1) The importer must keep the following records and provide them to USEPA or the Agency upon request:
 - A) A copy of each notification that the importer sends to USEPA under subsection (b)(1) and each USEPA AOC the importer receives in response for a period of at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and

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

5213 contract or equivalent arrangement.

5214
5215 2) The receiving facility must keep the following records:

5216
5217 A) A copy of each confirmation of receipt (i.e., movement document)
5218 that the receiving facility sends to the foreign exporter for at least
5219 three years from the date it received the hazardous waste;

5220
5221 B) A copy of each confirmation of recovery or disposal that the
5222 receiving facility sends to the foreign exporter for at least three
5223 years from the date that it completed processing the waste
5224 shipment;

5225
5226 C) For the receiving facility that performed any of recovery
5227 operations R12, R13, or RC16, or disposal operations D13 through
5228 D15, or DC17 (recovery and disposal operations defined in Section
5229 722.181), a copy of each confirmation of recovery or disposal that
5230 the final recovery or disposal facility sent to the receiving facility
5231 for at least three years from the date that the final recovery or
5232 disposal facility completed processing the waste shipment; and

5233
5234 D) A copy of each contract or equivalent arrangement established per
5235 subsection (f) for at least three years from the expiration date of the
5236 contract or equivalent arrangement.

5237
5238 3) An importers or receiving facility may satisfy these recordkeeping
5239 requirements by retaining electronically submitted documents in the
5240 importer's or receiving facility's account on USEPA's WIETS, provided
5241 that copies are readily available for viewing and production if requested
5242 by any USEPA or Agency inspector. No importer or receiving facility
5243 may be held liable for the inability to produce such documents for
5244 inspection under this Section if the importer or receiving facility can
5245 demonstrate that the inability to produce the document is due exclusively
5246 to technical difficulty with USEPA's WIETS for which the importer or
5247 receiving facility bears no responsibility.

5248
5249 4) The periods of retention referred to in this Section are extended
5250 automatically during the course of any unresolved enforcement action
5251 regarding the regulated activity or as requested in writing by USEPA or
5252 the Agency.

5253
5254 BOARD NOTE: Any Agency request for extended records retention
5255 under this subsection (h)(4) is subject to Board review pursuant to Section

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40 of the Act.

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

~~"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual~~

5299 obligations have been entered into, that any applicable insurance or other
5300 financial guarantees are or must be in force covering the trans-boundary
5301 movement, and that (delete sentences that are not applicable):"

- 5302
- 5303 "1. All necessary consents have been received.";
- 5304
- 5305 "2. The shipment is directed at a recovery facility within the OECD
- 5306 area and no objection has been received from any of the concerned
- 5307 countries within the 30 day tacit consent period."; or
- 5308
- 5309 "3. The shipment is directed at a recovery facility pre-authorized for
- 5310 that type of waste within the OECD area, such an authorization has
- 5311 not been revoked, and no objection has been received from any of
- 5312 the concerned countries."
- 5313
- 5314

"Name: _____

Signature: _____

Date: _____"; and

5315
5316 7) The appropriate signatures for each custody transfer (e.g., transporter,
5317 importer, and owner or operator of the recovery facility).

5318
5319 e) Exporters also must comply with the special manifest requirements of Section
5320 722.154(a), (b), (c), (e), and (i) and importers must comply with the import
5321 requirements of Subpart F of this Part.

5322
5323 d) Each U.S. person that has physical custody of the waste from the time the
5324 movement commences until it arrives at the recovery facility must sign the
5325 movement document (e.g., transporter, importer, and owner or operator of the
5326 recovery facility).

5327
5328 e) Within three working days after the receipt of imports subject to this Subpart H,
5329 the owner or operator of the U.S. recovery facility must send signed copies of the
5330 movement document to the exporter, to the Office of Enforcement and
5331 Compliance Assurance, Office of Federal Activities, International Compliance
5332 Assurance Division (2254A), Environmental Protection Agency, 1200
5333 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities
5334 of the country of export and country of transit. If the concerned U.S. recovery
5335 facility is an R12 or R13 recovery operation facility, as defined in Section
5336 722.181, the facility owner or operator must retain the original of the movement
5337 document for three years.

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

Section 722.185 Contracts (Repealed)

- a) ~~Trans-boundary movements of hazardous wastes subject to the Amber control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the exporter and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.~~

- b) ~~Contracts or equivalent arrangements must specify the following names and USEPA identification numbers, where available:~~
 - 1) ~~The generator of each type of waste;~~
 - 2) ~~Each person that will have physical custody of the wastes;~~
 - 3) ~~Each person that will have legal control of the wastes; and~~
 - 4) ~~The recovery facility.~~

- e) ~~Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify the following:~~
 - 1) ~~That the person having actual possession or physical control over the wastes will immediately inform the exporter and the competent authorities of the country of export and country of import and, if the wastes are located in a country of transit, the competent authorities of that country; and~~
 - 2) ~~That the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of wastes and, as the case may be, shall provide the notification for re-export.~~

5381 d) ~~Contracts must specify that the importer will provide the notification required in~~
5382 ~~Section 722.182(c) prior to re-export of controlled wastes to a third country.~~

5383
5384 e) ~~Contracts or equivalent arrangements must include provisions for financial~~
5385 ~~guarantees, if required by the competent authorities of any country concerned, in~~
5386 ~~accordance with applicable national or international law requirements.~~

5387
5388 ~~BOARD NOTE: Financial guarantees so required are intended to provide for~~
5389 ~~alternative recycling, disposal, or other means of sound management of the wastes~~
5390 ~~in cases where arrangements for the shipment and the recovery operations cannot~~
5391 ~~be carried out as foreseen. The U.S. does not require such financial guarantees at~~
5392 ~~this time; however, some OECD member countries do. It is the responsibility of~~
5393 ~~the exporter to ascertain and comply with such requirements; in some cases, a~~
5394 ~~transporter or importer may refuse to enter into the necessary contracts absent~~
5395 ~~specific references or certifications to financial guarantees.~~

5396
5397 f) ~~Contracts or equivalent arrangements must contain provisions requiring each~~
5398 ~~contracting party to comply with all applicable requirements of this Subpart H.~~

5399
5400 g) ~~Upon request by USEPA or the Agency, a U.S. exporter, importer, or recovery~~
5401 ~~facility must submit to USEPA and the Agency copies of contracts, chain of~~
5402 ~~contracts, or equivalent arrangements (when the movement occurs between~~
5403 ~~parties controlled by the same corporate or legal entity). Information contained in~~
5404 ~~the contracts or equivalent arrangements for which a claim of confidentiality is~~
5405 ~~asserted in accordance with 35 Ill. Adm. Code 130 will be treated as confidential~~
5406 ~~and will be disclosed by the Agency only as provided in 35 Ill. Adm. Code 130.~~

5407
5408 ~~BOARD NOTE: Although the United States does not require routine submission~~
5409 ~~of contracts at this time, OECD Guidance Manual allows OECD member~~
5410 ~~countries to impose such requirements. When other OECD member countries~~
5411 ~~require submission of partial or complete copies of the contract as a condition to~~
5412 ~~granting consent to proposed movements, USEPA or the Agency will request the~~
5413 ~~required information; absent submission of such information, some OECD~~
5414 ~~member countries may deny consent for the proposed movement. Information~~
5415 ~~submitted to USEPA for which a claim of confidentiality is asserted in accordance~~
5416 ~~with 40 CFR 2.203(b) and 260.2 will be treated as confidential and will be~~
5417 ~~disclosed by USEPA only as provided in 40 CFR 260.2.~~

5418
5419 (Source: Repealed at 42 Ill. Reg. _____, effective _____)

5420
5421 **Section 722.186 Provisions Relating to Recognized Traders (Repealed)**

5422
5423 a) ~~A recognized trader that takes physical custody of a waste and conducts recovery~~

5424 operations (including storage prior to recovery) is acting as the owner or operator
 5425 of a recovery facility and must be so authorized in accordance with all applicable
 5426 federal laws.

5427
 5428 b) A recognized trader acting as an exporter or importer for trans-boundary
 5429 shipments of waste must comply with all the exporter or importer requirements of
 5430 this Subpart H.

5431
 5432 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
 5433

5434 **Section 722.187 Reporting and Recordkeeping (Repealed)**

5435
 5436 a) Annual reports. For all waste movements subject to this Subpart H, persons (e.g.,
 5437 exporters, recognized traders, etc.) that meet the definition of primary exporter in
 5438 Section 722.151 or which initiate the movement documentation pursuant to
 5439 Section 722.184 must file an annual report with the Office of Enforcement and
 5440 Compliance Assurance, Office of Federal Activities, International Compliance
 5441 Assurance Division (2254A), U.S. Environmental Protection Agency, 1200
 5442 Pennsylvania Ave., NW, Washington, DC 20460 and the Illinois Environmental
 5443 Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box
 5444 19276, Springfield, IL 62794, no later than March 1 of each year summarizing the
 5445 types, quantities, frequency, and ultimate destination of all such hazardous waste
 5446 exported during the previous calendar year. (If the primary exporter or the person
 5447 that initiates the movement document under Section 722.184 is required to file an
 5448 annual report for waste exports that are not covered under this Subpart H, the
 5449 person filing may include all export information in one report provided the
 5450 following information on exports of waste destined for recovery within the
 5451 designated OECD member countries is contained in a separate Section.) Such
 5452 reports must include all of the following information:

- 5453
- 5454 1) The USEPA identification number, name, and mailing and site address of
 5455 the exporter filing the report;
 - 5456 2) The calendar year covered by the report;
 - 5457 3) The name and site address of each final recovery facility;
 - 5458 4) By final recovery facility, for each hazardous waste exported, a
 5459 description of the hazardous waste, the USEPA hazardous waste number
 5460 (from Subpart C or D of 35 Ill. Adm. Code 721); the OECD waste
 5461 designation, as defined in Section 722.181, the USDOT hazard class; the
 5462 name and USEPA identification number (where applicable) for each
 5463 transporter used; the total amount of hazardous waste shipped pursuant to
 5464
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 5466

- 5467 this Subpart H; and the number of shipments pursuant to each notification;
5468
5469 5) In even numbered years, for each hazardous waste exported, except for
5470 hazardous waste produced by exporters of greater than 100 kilograms (kg)
5471 but less than 1,000 kg in a calendar month, and except for hazardous waste
5472 for which information was already provided pursuant to Section 722.141:
5473
5474 A) A description of the efforts undertaken during the year to reduce
5475 the volume and toxicity of the waste generated; and
5476
5477 B) A description of the changes in volume and toxicity of the waste
5478 actually achieved during the year in comparison to previous years
5479 to the extent such information is available for years prior to 1984;
5480 and
5481
5482 6) A certification signed by the person acting as primary exporter or initiator
5483 of the movement document under Section 722.184 that states as follows:
5484
5485 "I certify under penalty of law that I have personally examined and am
5486 familiar with the information submitted in this and all attached documents,
5487 and that based on my inquiry of those individuals immediately responsible
5488 for obtaining the information, I believe that the submitted information is
5489 true, accurate, and complete. I am aware that there are significant penalties
5490 for submitting false information including the possibility of fine and
5491 imprisonment."
5492
5493 b) Exception reports. Any person that meets the definition of primary exporter in
5494 Section 722.151 or which initiates the movement document under Section
5495 722.184 must file with USEPA and the Agency an exception report in lieu of the
5496 requirements of Section 722.142 (if applicable) if any of the following occurs:
5497
5498 1) The person has not received a copy of the movement documentation
5499 signed by the transporter stating point of departure of the waste from the
5500 United States within 45 days from the date it was accepted by the initial
5501 transporter;
5502
5503 2) Within 90 days from the date the waste was accepted by the initial
5504 transporter, the exporter has not received written confirmation from the
5505 recovery facility that the hazardous waste was received; or
5506
5507 3) The waste is returned to the United States.
5508

5509 BOARD NOTE: The primary exporter must file the exception report required by
5510 this subsection (b) with USEPA at the following address: Office of Enforcement
5511 and Compliance Assurance, Office of Federal Activities, International
5512 Compliance Assurance Division (2254A), Environmental Protection Agency,
5513 1200 Pennsylvania Ave., NW., Washington, DC 20460.
5514

5515 e) Recordkeeping.

5516
5517 1) A person that meets the definition of primary exporter in Section 722.151
5518 or which initiates the movement document under Section 722.184 must
5519 keep the following records:

5520
5521 A) A copy of each notification of intent to export and all written
5522 consents obtained from the competent authorities of countries
5523 concerned, for a period of at least three years from the date the
5524 hazardous waste was accepted by the initial transporter;

5525
5526 B) A copy of each annual report, for a period of at least three years
5527 from the due date of the report;

5528
5529 C) A copy of any exception reports and a copy of each confirmation
5530 of delivery (i.e., movement document) sent by the recovery facility
5531 to the exporter, for at least three years from the date the hazardous
5532 waste was accepted by the initial transporter or received by the
5533 recovery facility, whichever is applicable; and

5534
5535 D) A copy of each certificate of recovery sent by the recovery facility
5536 to the exporter, for at least three years from the date that the
5537 recovery facility completed processing the waste shipment.
5538

5539 2) The periods of retention referred to in this Section are extended
5540 automatically during the course of any unresolved enforcement action
5541 regarding the regulated activity or as requested by USEPA or the Agency.
5542

5543 (Source: Repealed at 42 Ill. Reg. _____, effective _____)
5544

5545 **Section 722.189 OECD Waste Lists (Repealed)**
5546

5547 a) General. For the purposes of this Subpart H, a waste is considered hazardous
5548 under U.S. national procedures, and hence subject to this Subpart H, if the
5549 following is true of the waste:

5550
5551 1) The waste meets the federal definition of hazardous waste in 35 Ill. Adm.

5552 Code 721.103; and

5553

5554 2) The waste is subject to any of the following requirements:

5555

5556 A) The hazardous waste manifesting requirements of Subpart B of this
5557 Part, those of corresponding subpart B of 40 CFR 262, or those of
5558 a sister state that are analogous to subpart B of 40 CFR 262;

5559

5560 B) The universal waste management standards of 35 Ill. Adm. Code
5561 733, those of corresponding 40 CFR 273, or those of a sister state
5562 that are analogous to 40 CFR 273;

5563

5564 C) The export requirements in the spent lead-acid battery management
5565 standards of Subpart G of 35 Ill. Adm. Code 726, those of
5566 corresponding subpart G of 40 CFR 266, or those of a sister state
5567 that are analogous to the export requirements in subpart G of 40
5568 CFR 266.

5569

5570 b) If a waste is hazardous under subsection (a) of this Section, it is subject to the
5571 Amber control procedures, regardless of whether it is Amber waste, as defined in
5572 Section 722.181.

5573

5574 e) The appropriate control procedures for hazardous wastes and hazardous waste
5575 mixtures are addressed in Section 722.182.

5576

5577 d) This subsection (d) corresponds with 40 CFR 262.89(e), which incorporates the
5578 OECD Guidance Manual by reference. This statement maintains structural
5579 consistency with the corresponding federal regulations.

5580

5581 (Source: Repealed at 42 Ill. Reg. _____, effective _____)

5582

5583 SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE
5584 DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR
5585 LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

5586

5587 **Section 722.300 Definitions**

5588

5589 The following definitions apply for the purposes of this Subpart K:

5590

5591 "Central accumulation area" means an on-site hazardous waste accumulation area
5592 subject to Section 722.134(a) and (b), for a large quantity generator, or Section
5593 722.134(d) through (f), for a small quantity generator. A central accumulation
5594 area at an eligible academic entity that chooses to be subject to this Subpart K

5595 ~~must also comply with Section 722.311 when accumulating unwanted material or~~
5596 ~~hazardous waste.~~

5597
5598 "College or University" means a private or public post-secondary degree-granting
5599 academic institution that is accredited by an accrediting agency listed annually by
5600 the U.S. Department of Education.

5601 BOARD NOTE: The Department of Education maintains on-line lists of
5602 accrediting agencies on the Internet at the following address: [www.ed.gov/](http://www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized)
5603 [admins/finaid/accred/accreditation_pg6.html#NationallyRecognized](http://www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized).
5604

5605 "Eligible academic entity" means a college or university, a non-profit research
5606 institute that is owned by or which has a formal written affiliation agreement with
5607 a college or university, or a teaching hospital that is owned by or which has a
5608 formal written affiliation agreement with a college or university.
5609

5610 "Formal written affiliation agreement" for a non-profit research institute means a
5611 written document that establishes a relationship between institutions for the
5612 purposes of research or education and which is signed by an authorized
5613 representative, as that term is defined in 35 Ill. Adm. Code 720.110, from each
5614 institution. A relationship that exists on a project-by-project or grant-by-grant
5615 basis is not considered a formal written affiliation agreement. "Formal written
5616 affiliation agreement" for a teaching hospital means a "master affiliation
5617 agreement" and "program letter of agreement," as these terms are defined in the
5618 document entitled "Accreditation Council for Graduate Medical Education:
5619 Glossary of Terms," incorporated by reference in 35 Ill. Adm. Code 720.111,
5620 with an accredited medical program or medical school.
5621

5622 "Laboratory" means an area owned by an eligible academic entity where
5623 relatively small quantities of chemicals and other substances are used on a non-
5624 production basis for teaching or research (or diagnostic purposes at a teaching
5625 hospital) and are stored and used in containers that are easily manipulated by one
5626 person. Photo laboratories, art studios, and field laboratories are laboratories
5627 within the meaning of this definition. Areas such as chemical stockrooms and
5628 preparatory laboratories that provide a support function to teaching or research
5629 laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories
5630 within the meaning of this definition.
5631

5632 "Laboratory clean-out" means an evaluation of the inventory of chemicals and
5633 other materials in a laboratory that are no longer needed or which have expired
5634 and the subsequent removal of those chemicals or other unwanted materials from
5635 the laboratory. A clean-out may occur for several reasons. It may be on a routine
5636 basis (e.g., at the end of a semester or academic year) or as a result of a
5637 renovation, relocation, or change in laboratory supervisor or occupant. A

5638 regularly scheduled removal of unwanted material, as required by Section
5639 722.308, does not qualify as a laboratory clean-out within the meaning of this
5640 definition.

5641
5642 "Laboratory worker" means a person who handles chemicals or unwanted
5643 material in a laboratory. This may include, but is not limited to, any member of
5644 faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a
5645 supervisor or manager, or a principal investigator. A person does not need to be
5646 paid or otherwise compensated for his or her work in the laboratory to be
5647 considered a laboratory worker. An undergraduate or graduate student in a
5648 supervised classroom setting is not a laboratory worker.

5649
5650 "Non-profit research institute" means an organization that conducts research as its
5651 primary function and which files as a nonprofit organization under section
5652 501(c)(3) of the federal tax code (26 USC 501(c)(3)).

5653
5654 "Reactive acutely hazardous unwanted material" means an unwanted material that
5655 is one of the acutely hazardous commercial chemical products listed in 35 Ill.
5656 Adm. Code 721.133(e) for reactivity.

5657
5658 "Teaching hospital" means a hospital that trains students to become physicians,
5659 nurses, or other health or laboratory personnel.

5660
5661 "Trained professional" means a person who has completed the applicable RCRA
5662 training requirements of 35 Ill. Adm. Code ~~722.117725.116~~, for ~~an LQGa large~~
5663 ~~quantity generator~~, or who is knowledgeable about normal operations and
5664 emergencies in accordance with Section ~~722.116722.134(d)(5)(C)~~, for ~~an SQGa~~
5665 ~~small quantity generator~~ or ~~VSQGe~~ ~~conditionally exempt small quantity generator~~.
5666 A trained professional may be an employee of the eligible academic entity or a
5667 contractor or vendor who meets the requisite training requirements.

5668
5669 "Unwanted material" means any chemical, mixtures of chemicals, products of
5670 experiments, or other material from a laboratory that is no longer needed, wanted,
5671 or usable in the laboratory and which is destined for hazardous waste
5672 determination by a trained professional. Unwanted material includes reactive
5673 acutely hazardous unwanted material, material that may eventually be determined
5674 not to be solid waste pursuant to 35 Ill. Adm. Code 721.102, or a hazardous waste
5675 pursuant to 35 Ill. Adm. Code 721.103. If an eligible academic entity elects to
5676 use another equally effective term in lieu of "unwanted material," as allowed by
5677 Section 722.306(a)(1)(A), the equally effective term will have the same meaning,
5678 and the material designated by that term will be subject to the same requirements
5679 as "unwanted material" under this Subpart K.

5680

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

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

Section 722.301 Applicability

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

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

Section 722.302 Opting into the Subpart K Requirements

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

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

Section 722.303 Notice of Election into the Subpart K Requirements

- a) If an eligible academic entity elects to become subject to the requirements of this Subpart K, it must notify the Agency and USEPA Region 5 of this election in writing using the Notification of RCRA Subtitle C Activities (Site Identification

5724 Form) (USEPA Form 8700-12) for all the laboratories that the eligible academic
 5725 entity owns or operates under the same USEPA identification number. If the
 5726 eligible academic entity is a ~~VSQGe~~conditionally exempt small quantity generator
 5727 (~~CESQG~~) that does not have a USEPA identification number, the ~~VSQGCESQG~~
 5728 must notify the Agency and USEPA Region 5 that it has made this choice for all
 5729 the laboratories that the eligible academic entity owns or operates that are onsite,
 5730 as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has
 5731 multiple USEPA identification numbers, or if it is a ~~VSQGCESQG~~ with multiple
 5732 sites, it must submit a separate notification (using USEPA Form 8700-12) for
 5733 each USEPA identification number (or site, for a ~~VSQGCESQG~~) that it elects to
 5734 become subject to the requirements of this Subpart K. The eligible academic
 5735 entity must submit USEPA Form 8700-12 to the Agency and USEPA Region 5
 5736 before it begins operating under this Subpart K.
 5737

5738 BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the
 5739 "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". ~~This is the~~
 5740 ~~title that appears on the face of the form.~~ The title on the pre-pended instructions
 5741 for USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C
 5742 Activity." USEPA Form 8700-12 is available from the Agency, Bureau of Land
 5743 (217-782-6762). It is also available on-line for download in PDF file format:
 5744 [www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
 5745 [transporters-and-treatment-storage-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
 5746 [andwww.epa.gov/osw/inforesources/data/form8700/8700-12.pdf](http://www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf). Only the
 5747 November 2009 version of USEPA Form 8700-12 includes a segment relating to
 5748 the alternative standards for eligible academic entities.
 5749

5750 b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a
 5751 minimum, fill out each of the following fields on the form:

- 5752 "1. Reason for Submittal"
- 5753
- 5754 "2. Site EPA identification number~~ID Number~~" (except for a
 5755 ~~VSQGe~~conditionally exempt small quantity generator)
- 5756
- 5757 "3. Site Name"
- 5758
- 5759 "4. Site Location Information"
- 5760
- 5761 "5. Site Land Type"
- 5762
- 5763 "6. North American Industry Classification System (NAICS) Code(s) for the
 5764 Site"
 5765
 5766

5767 BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm.
5768 Code 720.110.

5769
5770 "7. Site Mailing Address"

5771
5772 "8. Site Contact Person"

5773
5774 "9. Operator and Legal Owner of the Site"

5775
5776 "10. Type of Regulated Waste Activity"

5777
5778 "13. Certification"

5779
5780 c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed
5781 with the Agency pursuant to subsection (a) ~~of this Section~~, on file at the eligible
5782 academic entity for as long as its laboratories are subject to this Subpart K.

5783
5784 d) A teaching hospital that is not owned by a college or university must keep a copy
5785 of its formal written affiliation agreement with a college or university on file at
5786 the teaching hospital for as long as its laboratories are subject to this Subpart K.

5787
5788 e) A non-profit research institute that is not owned by a college or university must
5789 keep a copy of its formal written affiliation agreement with a college or university
5790 on file at the non-profit research institute for as long as its laboratories are subject
5791 to this Subpart K.

5792
5793 (Source: Amended at 42 Ill. Reg. _____, effective _____)

5794
5795 **Section 722.304 Notice of Withdrawal from the Subpart K Requirements**

5796
5797 a) If an eligible academic entity elects to no longer remain subject to the
5798 requirements of this Subpart K for all the laboratories that the eligible academic
5799 entity owns or operates under the same USEPA identification number, it elects to
5800 instead comply with the requirements set forth in Sections 722.111 and
5801 722.115 ~~134(e)~~, which are the generally applicable standards for SQGS ~~small~~
5802 ~~quantity generators~~ and LQGS ~~large quantity generators~~. An eligible academic
5803 entity must notify the Agency and USEPA Region 5 in writing of this election
5804 using the USEPA Form 8700-12. If the eligible academic entity is a
5805 VSQGCESQG that does not have a USEPA identification number, it must notify
5806 the Agency and USEPA Region 5 that it has elected to withdraw from the
5807 requirements of this Subpart K for all of the laboratories that it owns or operates
5808 that are on site ~~on-site~~. The eligible academic entity that is a VSQGCESQG that
5809 makes this election must comply with the conditional exemption in 35 Ill. Adm.

5810 Code ~~722.114721.105(b)~~. If the eligible academic entity has multiple USEPA
5811 identification numbers, or if it is a VSQGCESQG with multiple sites, it must
5812 submit a separate notification (using USEPA Form 8700-12) for each USEPA
5813 identification number (or site, for a VSQGCESQG) that it elects to withdraw from
5814 the requirements of this Subpart K. The eligible academic entity that chooses to
5815 withdraw from the requirements of this Subpart K must submit USEPA Form
5816 8700-12 to the Agency and USEPA Region 5 before it begins operating under the
5817 ~~standards requirements set forth in Sections 722.111 and 722.115134(e)~~, which are
5818 the generally applicable standards for SQGs ~~small quantity generators~~ and
5819 LQGs ~~large quantity generators~~, or 35 Ill. Adm. Code 721.114105(b), which are
5820 the generally applicable standards for VSQGs ~~conditionally exempt small quantity~~
5821 ~~generators~~.

5822
5823 BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the
5824 "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". ~~This is the~~
5825 ~~title that appears on the face of the form.~~ The title on the pre-pended instructions
5826 ~~for~~ USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C
5827 Activity:". USEPA Form 8700-12 is available from the Agency, Bureau of Land
5828 (217-782-6762). It is also available on-line for download in PDF file format:
5829 [www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
5830 [www.epa.gov/osw/inforesources/](http://www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf)
5831 [data/form8700/8700-12.pdf](http://www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf). Only the November 2009 version of USEPA Form
5832 8700-12 includes a segment relating to the alternative standards for eligible
5833 academic entities.

5834
5835 b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a
5836 minimum, fill out each of the following fields on the form:

- 5837
5838 "1. Reason for Submittal"
5839
5840 "2. Site EPA identification number ~~ID Number~~" (except for a
5841 VSQGs ~~conditionally exempt small quantity generator~~)
5842
5843 "3. Site Name"
5844
5845 "4. Site Location Information"
5846
5847 "5. Site Land Type"
5848
5849 "6. North American Industry Classification System (NAICS) Code(s) for the
5850 Site"

5851
5852 BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm.
5853 Code 720.110.

- 5854
- 5855 "7. Site Mailing Address"
- 5856
- 5857 "8. Site Contact Person"
- 5858
- 5859 "9. Operator and Legal Owner of the Site"
- 5860
- 5861 "10. Type of Regulated Waste Activity"
- 5862
- 5863 "13. Certification"
- 5864
- 5865 c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed
- 5866 with the Agency pursuant to subsection (a) of this Section, on file at the eligible
- 5867 academic entity for three years after the date of the notification of withdrawal.
- 5868

5869 (Source: Amended at 42 Ill. Reg. _____, effective _____)

5870

5871 **Section 722.306 Container Standards in the Laboratory**

5872

5873 An eligible academic entity must manage containers of unwanted material while in the

5874 laboratory in accordance with the requirements in this Section.

5875

- 5876 a) Labeling: The eligible academic entity must label containers of unwanted
- 5877 material as follows:
- 5878
- 5879 1) The following information must be affixed or attached to the container:
- 5880
- 5881 A) The words "unwanted material," or another equally effective term
- 5882 that is to be used consistently by the eligible academic entity and
- 5883 that is identified in Part I of the Laboratory Management Plan; and
- 5884
- 5885 B) Sufficient information to alert emergency responders to the
- 5886 contents of the container. Examples of information that would be
- 5887 sufficient to alert emergency responders to the contents of the
- 5888 container include, but are not limited to, the following:
- 5889
- 5890 i) The name of the chemicals; or
- 5891
- 5892 ii) The type or class of chemicals, such as organic solvents or
- 5893 halogenated organic solvents.
- 5894
- 5895 2) The following information may be affixed or attached to the container, but
- 5896 must be associated with the container if not attached to it:

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- A) The date on which the unwanted material first began accumulating in the container; and
- B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a hazardous waste and to assign the proper USEPA hazardous waste number codes to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:
 - i) The name or description of the chemical contents or the composition of the unwanted material or, if known, the product of the chemical reaction;
 - ii) Whether the unwanted material has been used or is unused; and
 - iii) A description of the manner in which the chemical was produced or processed, if applicable.
- b) Management of Containers in the Laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and which prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:
 - 1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;
 - 2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and
 - 3) Containers must be kept closed at all times, except under the following circumstances:
 - A) A container may be open when adding, removing, or bulking unwanted material;

- 5940 B) A working container may be open until the end of the procedure,
5941 until the end of the work shift, or until it is full, whichever comes
5942 first, at which time either the working container must be closed or
5943 its contents emptied into a separate container that is then closed; or
5944
- 5945 C) A container may be open when venting of a container is necessary
5946 for either of the following reasons:
5947
- 5948 i) It is necessary for the proper operation of laboratory
5949 equipment, such as with inline collection of unwanted
5950 materials from high performance liquid chromatographs; or
5951
- 5952 ii) It is necessary to prevent dangerous situations, such as a
5953 build-up of extreme pressure.
5954

5955 (Source: Amended at 42 Ill. Reg. _____, effective _____)
5956

5957 **Section 722.307 Personnel Training**
5958

5959 An eligible academic entity must provide training to all individuals working in its laboratory, as
5960 follows:
5961

- 5962 a) It must provide training for laboratory workers and students that is commensurate
5963 with their duties, so that the workers and students understand the requirements of
5964 this Subpart K and can implement them.
5965
- 5966 b) An eligible academic entity may provide training for laboratory workers and
5967 students in a variety of ways, including, but not limited to, any of the following:
5968
- 5969 1) Instruction by the professor or laboratory manager before or during an
5970 experiment;
5971
- 5972 2) Formal classroom training;
5973
- 5974 3) Electronic or written training;
5975
- 5976 4) On-the-job training; or
5977
- 5978 5) Written or oral exams.
5979
- 5980 c) An eligible academic entity that is ~~an LQGa large quantity generator~~ (see Section
5981 722.127) must maintain for the durations specified in 35 Ill. Adm. Code
5982 725.116(e) documentation which is sufficient to demonstrate that training for all

5983 laboratory workers has occurred. Examples of documentation which
 5984 demonstrates that training has occurred can include, but are not limited to, the
 5985 following:

- 5986 1) Sign-in or attendance sheets for training sessions;
- 5987 2) Syllabi for training sessions;
- 5988 3) Certificates of training completion; or
- 5989 4) Test results.

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 5994 d) A trained professional is required for either of the following tasks:

- 5995 1) A trained professional must accompany the transfer of unwanted material
 5996 and hazardous waste when the unwanted material and hazardous waste is
 5997 removed from the laboratory; and
- 5998 2) A trained professional must make the hazardous waste determination for
 5999 unwanted material, pursuant to Section 722.111(a) through (d).
 6000

6001
 6002
 6003
 6004 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 6005

6006 **Section 722.308 Removing Unwanted Material from the Laboratory**
 6007

6008 a) Removing containers of unwanted material on a regular schedule. An eligible
 6009 academic entity must do either of the following:

- 6010 1) It must remove all containers of unwanted material from each laboratory
 6011 on a regular interval, not to exceed 12~~six~~ months; or
- 6012 2) It must remove containers of unwanted material from each laboratory
 6013 within 12~~six~~ months after each container's accumulation start date.

6014
 6015
 6016 b) The eligible academic entity must specify in Part I of its Laboratory Management
 6017 Plan whether it will comply with subsection (a)(1) or (a)(2) ~~of this Section~~ for the
 6018 regular removal of unwanted material from its laboratories.
 6019

6020
 6021 c) The eligible academic entity must specify in Part II of its Laboratory Management
 6022 Plan how it will comply with subsection (a)(1) or (a)(2) ~~of this Section~~ and how
 6023 the eligible academic entity will develop a schedule for regular removals of
 6024 unwanted material from its laboratories.
 6025

- 6026 d) Removing containers of unwanted material when volumes are exceeded.
6027
6028 1) If a laboratory accumulates a total volume of unwanted material (including
6029 reactive acutely hazardous unwanted material) in excess of 55 gallons
6030 (208 ℓ) before the regularly scheduled removal, the eligible academic
6031 entity must ensure that the following requirements are fulfilled for all
6032 containers of unwanted material in the laboratory (including reactive
6033 acutely hazardous unwanted material):
6034
6035 A) The containers are marked on the label that is associated with the
6036 container (or on the label that is affixed or attached to the
6037 container, if that is preferred) with the date on which 55 gallons
6038 (208 ℓ) was exceeded; and
6039
6040 B) The containers are removed from the laboratory within 10 calendar
6041 days after the date on which 55 gallons (208 ℓ) was exceeded, or
6042 on the date of the next regularly scheduled removal, whichever
6043 comes first.
6044
6045 2) If a laboratory accumulates more than one quart (0.946 ℓ) of liquid
6046 reactive acutely hazardous unwanted material or more than 1 kg (2.2 lbs)
6047 of solid reactive acutely hazardous unwanted material before the regularly
6048 scheduled removal, then the eligible academic entity must ensure that the
6049 following requirements are fulfilled for all containers of reactive acutely
6050 hazardous unwanted material:
6051
6052 A) The containers are marked on the label that is associated with the
6053 container (or on the label that is affixed or attached to the
6054 container, if that is preferred) with the date on which one quart
6055 (0.946 ℓ) or 1 kg was exceeded; and
6056
6057 B) The containers are removed from the laboratory within 10 calendar
6058 days after the date on which one quart (0.946 ℓ) or 1 kg was
6059 exceeded, or at the next regularly scheduled removal, whichever
6060 comes first.
6061

6062 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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6064 **Section 722.309 Hazardous Waste Determination and Removal of Unwanted Material**
6065 **from the Laboratory**
6066

- 6067 a) LQGs~~Large quantity generators~~ and SQGs~~small quantity generators~~. An eligible
6068 academic entity that is an LQGa~~large quantity generator~~ or an SQGa~~small~~

quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:

- 1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;
- 2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or
- 3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.

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

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

Section 722.310 Hazardous Waste Determination in the Laboratory

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

- a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111(a) through (d), before the unwanted material is removed from the laboratory.
- b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:
 - 1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;
 - 2) It must write the appropriate USEPA hazardous waste number ~~seødes~~ on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and

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- 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category status, pursuant to 35 Ill. Adm. Code 721.113-105(e) and (d), in the calendar month that the hazardous waste determination was made.
- c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.
- d) When hazardous waste is removed from the laboratory, the following requirements apply:
 - 1) An eligible academic entity that is an LQGa large quantity generator or an SQGa small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.
 - 2) An eligible academic entity that is a VSQGe conditionally exempt small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in 35 Ill. Adm. Code 721.114-105(f)(3), for acute hazardous waste, or 35 Ill. Adm. Code 721.105(g)(3), for hazardous waste.
- e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

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

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

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

- a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.
- b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.

- 6155 c) The unwanted material becomes subject to the generator accumulation regulations
 6156 of Section ~~722.116-134(a)~~ (or Section ~~722.134(j)~~ and ~~(k)~~ for a Performance Track
 6157 member), for an SQGa large quantity generator, or Section ~~722.117-134(d)~~
 6158 through ~~(f)~~, for an LQGa small quantity generator, as soon as the material arrives
 6159 in the central accumulation area, except for the "hazardous waste" labeling
 6160 requirements of Sections ~~722.116(b)(6)~~ and ~~722.117(a)(5)~~ ~~Section 722.134(a)(3)~~
 6161 (or Section ~~722.134(j)(6)~~ for a Performance Track member).
 6162
- 6163 d) A trained professional must determine, pursuant to Section 722.111(a) through
 6164 (d), if the unwanted material is a hazardous waste within four calendar days after
 6165 the unwanted material has arrived at the on-site central accumulation area.
 6166
- 6167 e) If the unwanted material is a hazardous waste, the eligible academic entity must
 6168 fulfill the following requirements:
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- 6170 1) It must write the words "hazardous waste" on the container label that is
 6171 affixed or attached to the container, within four calendar days after the
 6172 unwanted material has arrived at the on-site central accumulation area and
 6173 before the hazardous waste may be removed from that area;
 6174
 - 6175 2) It must write the appropriate USEPA hazardous waste number ~~seodes~~ on
 6176 the container label that is associated with the container (or on the label that
 6177 is affixed or attached to the container, if that is preferred) before the
 6178 hazardous waste may be treated or disposed of on-site or transported
 6179 offsite;
 6180
 - 6181 3) It must count the hazardous waste toward the amount used to determine
 6182 the eligible academic entity's generator category ~~status~~, pursuant to 35 Ill.
 6183 Adm. Code ~~722.113-721.105(e)~~ and ~~(d)~~, in the calendar month that the
 6184 hazardous waste determination was made; and
 6185
 - 6186 4) It must manage the hazardous waste according to all applicable hazardous
 6187 waste regulations.
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6189 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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6191 **Section 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or**
 6192 **Disposal Facility**
 6193

6194 When an eligible academic entity makes the hazardous waste determination, pursuant to Section
 6195 722.111, for unwanted material at an on-site interim status or permitted treatment, storage, or
 6196 disposal facility, it must fulfill the following requirements:
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- 6198 a) A trained professional must accompany all unwanted material that is transferred
6199 from the laboratory to an on-site interim status or permitted treatment, storage, or
6200 disposal facility;
6201
- 6202 b) All unwanted material removed from the laboratory must be taken directly from
6203 the laboratory to the on-site interim status or permitted treatment, storage, or
6204 disposal facility;
6205
- 6206 c) The unwanted material becomes subject to the terms of the eligible academic
6207 entity's hazardous waste permit or interim status as soon as it arrives at the on-site
6208 treatment, storage, or disposal facility;
6209
- 6210 d) A trained professional must determine, pursuant to Section 722.111(a) through
6211 (d), if the unwanted material is a hazardous waste within four calendar days after
6212 the unwanted material has arrived at an on-site interim status or permitted
6213 treatment, storage or disposal facility; and
6214
- 6215 e) If the unwanted material is a hazardous waste, the eligible academic entity must
6216 fulfill the following requirements:
6217
- 6218 1) It must write the words "hazardous waste" on the container label that is
6219 affixed or attached to the container within four calendar days after the
6220 unwanted material has arrived at the on-site interim status or permitted
6221 treatment, storage, or disposal facility and before the hazardous waste may
6222 be removed from that facility;
6223
- 6224 2) It must write the appropriate USEPA hazardous waste number on
6225 the container label that is associated with the container (or on the label that
6226 is affixed or attached to the container, if that is preferred) before the
6227 hazardous waste may be treated or disposed of on-site or transported off-
6228 site;
6229
- 6230 3) It must count the hazardous waste toward the amount used to determine
6231 the eligible academic entity's generator category status, pursuant to 35 Ill.
6232 Adm. Code 722.113721.105(e) and (d) in the calendar month that the
6233 hazardous waste determination was made; and
6234
- 6235 4) It must manage the hazardous waste according to all applicable hazardous
6236 waste regulations.
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6238 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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6240 **Section 722.313 Laboratory Clean-Outs**

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- a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:
- 1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;
 - 2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator categorystatus, pursuant to 35 Ill. Adm. Code ~~722.113721.105(e) and (d)~~, a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and which is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator categorystatus, pursuant to 35 Ill. Adm. Code ~~722.113721.105(e) and (d)~~, if it is determined to be hazardous waste;
 - 3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator categorystatus under subsection (a)(2) ~~of this Section~~, and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of hazardous waste (i.e., the VSQGe ~~conditionally exempt small quantity generator~~ limits, defined in 40 CFR 260.10 ~~of 35 Ill. Adm. Code 721.105~~), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported ~~off site~~ off-site; and
 - 4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and

6284 the volume of hazardous waste generated during the laboratory clean-out.
 6285 The eligible academic entity must maintain these records for a period of
 6286 three years from the date on which the clean-out ended.
 6287

- 6288 b) For all other laboratory clean-outs conducted during the same 12-month period,
 6289 an eligible academic entity is subject to all the applicable requirements of this
 6290 Subpart K, including, but not limited to the following:
 6291
- 6292 1) The requirement to remove all unwanted materials from the laboratory
 6293 within 10 calendar days of exceeding 55 gallons (208 ℓ) (or one quart
 6294 (0.946 ℓ) of reactive acutely hazardous unwanted material), as required by
 6295 Section 722.308; and
 6296
 - 6297 2) The requirement to count all hazardous waste, including unused hazardous
 6298 waste, that is generated during the laboratory clean-out toward its
 6299 hazardous waste generator category status, pursuant to 35 Ill. Adm. Code
 6300 722.113721.105(e) and (d).
 6301

6302 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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6304 **Section 722.314 Laboratory Management Plan**
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6306 An eligible academic entity must develop and retain a written Laboratory Management Plan, or
 6307 revise an existing written plan. The Laboratory Management Plan is a site-specific document
 6308 that describes how the eligible academic entity will manage unwanted materials in compliance
 6309 with this Subpart K. An eligible academic entity may write one Laboratory Management Plan
 6310 for all of the laboratories that it owns which have opted into this Subpart K, even if the
 6311 laboratories are located at sites with different USEPA identification numbers. The Laboratory
 6312 Management Plan must contain two parts, with a total of the nine elements identified in
 6313 subsections (a) and (b) ~~of this Section~~. In Part I of its Laboratory Management Plan, an eligible
 6314 academic entity must describe its procedures for each of the elements listed in subsection (a) ~~of~~
 6315 ~~this Section~~. An eligible academic entity must implement and comply with the specific
 6316 provisions that it develops to address the elements in Part I of its Laboratory Management Plan.
 6317 In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best
 6318 management practices for each of the elements listed in subsection (b) ~~of this Section~~. The
 6319 specific actions taken by an eligible academic entity to implement each element in Part II of its
 6320 Laboratory Management Plan may vary from the procedures described in the eligible academic
 6321 entity's Laboratory Management Plan, without constituting a violation of this Subpart K. An
 6322 eligible academic entity may include additional elements and best management practices in Part
 6323 II of its Laboratory Management Plan if it so chooses.
 6324

- 6325 a) The eligible academic entity must implement and comply with the specific
 6326 provisions of Part I of its Laboratory Management Plan. In Part I of its

6327 Laboratory Management Plan, an eligible academic entity must include the
6328 following information:
6329

6330 1) Part I must describe procedures for container labeling in accordance with
6331 Section 722.306(a), as follows:

6332 A) Identification whether the eligible academic entity will use the
6333 term "unwanted material" on the containers in the laboratory. If
6334 not, identification of an equally effective term that the eligible
6335 academic entity will consistently use in lieu of "unwanted
6336 material-". The equally effective term, if used, has the same
6337 meaning as the term "unwanted material;" and the material is
6338 subject to the same requirements as if it were called "unwanted
6339 material"; and
6340

6341 B) Identification of the manner in which information that is
6342 "associated with the container" will be imparted.
6343
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6345 2) Identification whether the eligible academic entity will comply with
6346 Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of
6347 unwanted material from the laboratory.
6348

6349 b) In Part II of its Laboratory Management Plan, an eligible academic entity must
6350 include the following information:
6351

6352 1) Description of its intended best practices for container labeling and
6353 management (see the required standards at Section 722.306);
6354

6355 2) Description of its intended best practices for providing training for
6356 laboratory workers and students commensurate with their duties (see the
6357 required standards at Section 722.307(a));
6358

6359 3) Description of its intended best practices for providing training to ensure
6360 safe on-site transfers of unwanted material and hazardous waste by trained
6361 professionals (see the required standards at Section 722.307(d)(1));
6362

6363 4) Description of its intended best practices for removing unwanted material
6364 from the laboratory, including the following:
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6366 A) For regularly scheduled removals, a regular schedule for
6367 identifying and removing unwanted materials from its laboratories
6368 (see the required standards at Section 722.308(a)(1) and (a)(2));
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- B) For removals when maximum volumes are exceeded, the following:
 - i) Description of the eligible academic entity's intended best practices for removing unwanted materials from the laboratory within 10 calendar days after the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and
 - ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes;
 - 5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at Sections 722.111(a) through (d) and 722.309 through 722.312);
 - 6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:
 - A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (a)(3)); and
 - B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4));
 - 7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:
 - A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;
 - B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;
 - C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and
 - D) Procedures for the timely characterization of unknown chemicals.

- 6413
- 6414 c) An eligible academic entity must make its Laboratory Management Plan available
- 6415 to laboratory workers, students, or any others at the eligible academic entity who
- 6416 may request it.
- 6417
- 6418 d) An eligible academic entity must review and revise its Laboratory Management
- 6419 Plan as needed.
- 6420

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

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

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

- 6429
- 6430 a) That hazardous waste remains subject to the generator requirements of Sections
- 6431 722.111 and 722.115134(e) for an LQGa large quantity generator or an SQGa
- 6432 small quantity generator (if the hazardous waste is managed in a satellite
- 6433 accumulation area), and all other applicable generator requirements of 40 CFR
- 6434 722; or
- 6435
- 6436 b) That hazardous waste remains subject to the conditional exemption of 35 Ill.
- 6437 Adm. Code 722.114721.105(b) for a VSQGa conditionally exempt small quantity
- 6438 generator.
- 6439

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

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section 722.330 Applicability

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

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

Section 722.331 Definitions for This Subpart L

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

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

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

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

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

- a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:
- 1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional planned episodic event is necessary, as provided in Section 262.233;
 - 2) Notification. The VSQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification From)). In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);
 - 3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12;
 - 4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment

6498 buildings. When accumulating hazardous waste in containers and tanks
6499 the following conditions apply:

6501 A) Containers. A VSQG accumulating in containers must mark or
6502 label its containers with the following:

6503
6504 i) The words "Episodic Hazardous Waste";

6505
6506 ii) An indication of the hazards of the contents. Examples
6507 include, but are not limited to, the applicable hazardous
6508 waste characteristics (i.e., ignitable, corrosive, reactive, or
6509 toxic); hazard communication consistent with subpart E
6510 (Labelling) and subpart F (Placarding) of 49 CFR 172,
6511 incorporated by reference in 35 Ill. Adm. Code 720.111; a
6512 hazard statement or pictogram consistent with 29 CFR
6513 1910.1200 (Hazard Communication), incorporated by
6514 reference in 35 Ill. Adm. Code 720.111; or a chemical
6515 hazard label consistent with NFPA 704, incorporated by
6516 reference in 35 Ill. Adm. Code 720.111; and

6517
6518 iii) The date when the episodic event began, clearly visible for
6519 inspection on each container.

6520
6521 B) Tanks. A VSQG accumulating episodic hazardous waste in tanks
6522 must do the following:

6523
6524 i) Mark or label the tank with the words "Episodic Hazardous
6525 Waste";

6526
6527 ii) Mark or label its tanks with an indication of the hazards of
6528 the contents. Examples include, but are not limited to, the
6529 applicable hazardous waste characteristics (i.e., ignitable,
6530 corrosive, reactive, or toxic); hazard communication
6531 consistent with subpart E (Labeling) and subpart F
6532 (Placarding) of 49 CFR 172, incorporated by reference in
6533 35 Ill. Adm. Code 720.111; a hazard statement or
6534 pictogram consistent with 29 CFR 1910.1200 (Hazard
6535 Communication), incorporated by reference in 35 Ill. Adm.
6536 Code 720.111; or a chemical hazard label consistent with
6537 NFPA 704, incorporated by reference in 35 Ill. Adm. Code
6538 720.111;

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- iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and
 - iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.
- C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;
- i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and
 - ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.
- 5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.
- 7) A VSQG must maintain the following records for three years from the end date of the episodic event:

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- A) The beginning and end dates of the episodic event;
- B) A description of the episodic event;
- C) A description of the types and quantities of hazardous wastes generated during the event;
- D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;
- E) The names of hazardous waste transporters; and
- F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

- b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:
 - 1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional planned episodic event is necessary, as provided in Section 262.233;
 - 2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification From)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;
 - 3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and
 - 4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads or

in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:

A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:

- i) The words "Episodic Hazardous Waste";
- ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with the USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following; and
- iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 262.16(b)(3) and must do the following:

- i) Mark or label its tank with the words "Episodic Hazardous Waste";
- ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard

- 6710 a) A generator may submit a written request to the Agency for a second episodic
6711 event in a calendar year without impacting its generator category under the
6712 following conditions:
6713
6714 1) If a VSQG or SQG has already held a planned episodic event in a calendar
6715 year, the generator may submit a written request to the Agency for an
6716 additional unplanned episodic event in that calendar year within 72 hours
6717 of the unplanned event.
6718
6719 2) If a VSQG or SQG has already held an unplanned episodic event in a
6720 calendar year, the generator may submit a written request to the Agency
6721 for an additional planned episodic event in that calendar year.
6722
6723 b) The written request must include the following:
6724
6725 1) The reasons why an additional episodic event is needed and the nature of
6726 the episodic event;
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6728 2) The estimated amount of hazardous waste to be managed from the event;
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6730 3) How the generator will manage the hazardous waste;
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6732 4) The estimated length of time needed to complete management of the
6733 hazardous waste generated from the episodic event-not to exceed 60 days;
6734 and
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6736 5) Information regarding the previous episodic event managed by the
6737 generator, including the nature of the event, whether it was a planned or
6738 unplanned event, and how the generator complied with the conditions.
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6740 c) The generator must submit the writtin request to the Agency in writing, either on
6741 paper or electronically.
6742
6743 d) The generator must retain written approval in its records for three years from the
6744 date the episodic event ended.
6745

6746 BOARD NOTE: Agency consideration of a request submitted under this Section is in the
6747 nature of a permit determination, even though USEPA appears to intend that the
6748 determination occur within 72 hours. Any Agency determination is reviewable by the
6749 Board pursuant to Section 40 of the Act. Any Agency determination made under this
6750 Section is not a "RCRA permit", as such is defined in 35 Ill. Adm. Code 702.110, and is
6751 not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705.
6752

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

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

Section 722.350 Applicability

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

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

Section 722.351 Maintenance and Operation of Facility

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

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

Section 722.352 Required Equipment

The LQG must equip all areas to which Section 262.250 deems this Subpart M applicable with the items in subsections (a) through (d) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this Section or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this Section). An LQG may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies. The LQG must have the appropriate of the following equipment:

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

- 6796 d) Water at adequate volume and pressure to supply water hose streams, or foam
6797 producing equipment, or automatic sprinklers, or water spray systems.

6798
6799 (Source: Added at 42 Ill. Reg. _____, effective _____)
6800

6801 **Section 722.353 Testing and Maintenance of Equipment**

6802
6803 The LQG must test and maintain all required communications or alarm systems, fire protection
6804 equipment, spill control equipment, and decontamination equipment as necessary to assure their
6805 proper operation in time of emergency.

6806
6807 (Source: Added at 42 Ill. Reg. _____, effective _____)
6808

6809 **Section 722.354 Access to Communications or Alarm System**

- 6810
6811 a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled,
6812 all personnel involved in the operation must have immediate access (i.e., either
6813 directly or through direct, unimpeded visual or voice contact with another
6814 employee) to an internal alarm or emergency communication device, either
6815 directly or through visual or voice contact with another employee, unless such a
6816 device is not required under Section 262.252.

- 6817
6818 b) In the event there is just one employee on the premises while the facility is
6819 operating, the employee must have immediate access (i.e., direct or unimpeded
6820 access) to a device, such as a telephone (immediately available at the scene of
6821 operation) or a hand-held two-way radio, capable of summoning external
6822 emergency assistance, unless such a device is not required under Section 262.252.

6823
6824 (Source: Added at 42 Ill. Reg. _____, effective _____)
6825

6826 **Section 722.355 Required Aisle Space**

6827
6828 The LQG must maintain aisle space to allow the unobstructed movement of personnel, fire
6829 protection equipment, spill control equipment, and decontamination equipment to any area of
6830 facility operation in an emergency, unless aisle space is not needed for any of these purposes.

6831
6832 (Source: Added at 42 Ill. Reg. _____, effective _____)
6833

6834 **Section 722.356 Arrangements with Local Authorities**

- 6835
6836 a) The LQG must attempt to make arrangements with the local police department,
6837 fire department, other emergency response teams, emergency response
6838 contractors, equipment suppliers, and local hospitals, taking into account the types

6839 and quantities of hazardous wastes handled at the facility. The LQG may make
6840 arrangements with the Local Emergency Planning Committee, if it is the
6841 appropriate organization with which to make arrangements.

6842
6843 BOARD NOTE: The State Emergency Response Commission (SERC) maintains
6844 an on-line listing of Local Emergency Planning Committees in Illinois by
6845 jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC
6846 [ReleaseReportingContactList.pdf](#).

6847
6848 1) An LQG attempting to make arrangements with its local fire department
6849 must determine the potential need for the services of the local police
6850 department, other emergency response teams, emergency response
6851 contractors, equipment suppliers and local hospitals.

6852
6853 2) As part of this coordination, the LQG must attempt to make arrangements,
6854 as necessary, to familiarize the above organizations with the layout of the
6855 facility, the properties of the hazardous waste handled at the facility and
6856 associated hazards, places where personnel would normally be working,
6857 entrances to roads inside the facility, and possible evacuation routes, as
6858 well as the types of injuries or illnesses which could result from fires,
6859 explosions, or releases at the facility.

6860
6861 3) Where more than one police or fire department might respond to an
6862 emergency, the LQG must attempt to make arrangements designating
6863 primary emergency authority to a specific fire or police department, and
6864 arrangements with any others to provide support to the primary emergency
6865 authority.

6866
6867 b) The LQG must maintain records documenting the arrangements with the local fire
6868 department as well as any other organization necessary to respond to an
6869 emergency. This documentation must include documentation in the operating
6870 record that either confirms such arrangements actively exist or, in cases where no
6871 arrangements exist, confirms that the LQG attempted to make these arrangements.

6872
6873 c) A facility possessing 24-hour response capabilities may seek a waiver from the
6874 authority having jurisdiction over the fire code within the State or facility's
6875 locality as far as needing to make arrangements with the local fire department, as
6876 well as any other organization necessary to respond to an emergency, provided
6877 that the waiver is documented in the operating record.

6878
6879 (Source: Added at 42 Ill. Reg. _____, effective _____)

6880
6881 **Section 722.360 Purpose and Implementation of Contingency Plan**

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

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

Section 722.361 Content of Contingency Plan

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

BOARD NOTE: USEPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). The National Response Team published the Guidance at 61 Fed. Reg. 28642 (June 5, 1996).
- c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee, if applicable, pursuant to Section 262.256.
- d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see Section 262.264), and the generator must keep this list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. If the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations

6925 manager, shift coordinator, shift operations supervisor), as well as an emergency
 6926 telephone number that will be answered at all times.

6927
 6928 e) The plan must include a list of all emergency equipment at the facility (such as
 6929 fire extinguishing systems, spill control equipment, communications and alarm
 6930 systems (internal and external), and decontamination equipment), where this
 6931 equipment is required. The generator must keep this list up to date. In addition,
 6932 the plan must include the location and a physical description of each item on the
 6933 list, and a brief outline of its capabilities.

6934
 6935 f) The plan must include an evacuation plan for generator personnel where there is a
 6936 possibility that evacuation could be necessary. This plan must describe signals to
 6937 be used to begin evacuation, evacuation routes, and alternate evacuation routes (in
 6938 cases where the primary routes could be blocked by releases of hazardous waste
 6939 or fires).

6940
 6941 (Source: Added at 42 Ill. Reg. _____, effective _____)
 6942

6943 **Section 722.362 Copies of Contingency Plan**
 6944

6945 A copy of the contingency plan and all revisions to the plan must be maintained at the LQG
 6946 facility, and the LQG must to the following:
 6947

6948 a) The LQG must submit a copy of the contingency plan and all revisions to all local
 6949 emergency responders (i.e., police departments, fire departments, hospitals, and
 6950 State and local emergency response teams that may be called upon to provide
 6951 emergency services). The generator may also submit this document to the Local
 6952 Emergency Planning Committee, as appropriate.
 6953

6954 b) An LQG that first becomes subject to these provisions or an LQG that is
 6955 otherwise amending its contingency plan must at that time submit a quick
 6956 reference guide of the contingency plan to the local emergency responders
 6957 identified in subsection (a) or, as appropriate, the Local Emergency Planning
 6958 Committee. The quick reference guide must include the following elements:
 6959

6960 1) The types or names of hazardous wastes in layman's terms and the
 6961 associated hazard associated with each hazardous waste present at any one
 6962 time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid, etc.);
 6963

6964 2) The estimated maximum amount of each hazardous waste that may be
 6965 present at any one time;
 6966

6967 3) The identification of any hazardous wastes where exposure would require

- 6968 unique or special treatment by medical or hospital staff;
6969
6970 4) A map of the facility showing where hazardous wastes are generated,
6971 accumulated, and treated and routes for accessing these wastes;
6972
6973 5) A street map of the facility in relation to surrounding businesses, schools
6974 and residential areas to understand how best to get to the facility and also
6975 evacuate citizens and workers;
6976
6977 6) The locations of water supply (e.g., fire hydrants and their flow rate);
6978
6979 7) The identification of on-site notification systems (e.g., a fire alarm that
6980 rings off site, smoke alarms, etc.); and
6981
6982 8) The name of the emergency coordinators and 24/7 emergency telephone
6983 numbers or, in the case of a facility where an emergency coordinator is
6984 continuously on duty, the emergency telephone number for the emergency
6985 coordinator.
6986
6987 c) A generator must update its quick reference guides, if necessary, whenever the
6988 contingency plan is amended and submit these documents to the local emergency
6989 responders identified in subsection (a) or, as appropriate, the Local Emergency
6990 Planning Committee.

6991
6992 (Source: Added at 42 Ill. Reg. _____, effective _____)
6993

6994 **Section 722.363 Amendment of Contingency Plan**
6995

6996 The generator must review its contingency plan and immediately amend the plan, if necessary,
6997 whenever any of the following occurs:
6998

- 6999 a) Applicable regulations are revised;
7000
7001 b) The plan fails in an emergency;
7002
7003 c) The generator facility changes, in its design, construction, operation, maintenance,
7004 or other circumstances, in a way that materially increases the potential for fires,
7005 explosions, or releases of hazardous waste or hazardous waste constituents or
7006 which changes the response necessary in an emergency;
7007
7008 d) The list of emergency coordinators changes; or
7009
7010 e) The list of emergency equipment changes.

7011
7012 (Source: Added at 42 Ill. Reg. _____, effective _____)
7013

7014 **Section 722.364 Emergency Coordinator**
7015

7016 At all times, at least one employee must be either on the generator's premises or on call (i.e.,
7017 available to respond to an emergency by reaching the facility within a short period of time) with
7018 the responsibility for coordinating all emergency response measures and implementing the
7019 necessary emergency procedures outlined in Section 262.265. Although responsibilities may
7020 vary depending on factors such as type and variety of hazardous wastes handled by the facility,
7021 as well as type and complexity of the facility, this emergency coordinator must be thoroughly
7022 familiar with all aspects of the generator's contingency plan, all operations and activities at the
7023 facility, the location and characteristics of hazardous waste handled, the location of all records
7024 within the facility, and the facility's layout. In addition, this person must have the authority to
7025 commit the resources needed to carry out the contingency plan.
7026

7027 (Source: Added at 42 Ill. Reg. _____, effective _____)
7028

7029 **Section 722.365 Emergency Procedures**
7030

- 7031 a) Whenever there is an imminent or actual emergency situation, the emergency
7032 coordinator (or his designee when the emergency coordinator is on call) must
7033 immediately undertake the following actions:
7034
- 7035 1) Activate internal facility alarms or communication systems, where
7036 applicable, to notify all facility personnel; and
7037
 - 7038 2) Notify appropriate state or local agencies with designated response roles if
7039 their help is needed.
7040
- 7041 b) Whenever there is a release, fire, or explosion, the emergency coordinator must
7042 immediately identify the character, exact source, amount, and areal extent of any
7043 released materials. The emergency coordinator may do this by observation or
7044 review of the facility records or manifests and, if necessary, by chemical analysis.
7045
- 7046 c) Concurrently, the emergency coordinator must assess possible hazards to human
7047 health or the environment that may result from the release, fire, or explosion.
7048 This assessment must consider both direct and indirect effects of the release, fire,
7049 or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are
7050 generated, the effects of any hazardous surface water run-offs from water or
7051 chemical agents used to control fire and heat-induced explosions, etc.).
7052
- 7053 d) If the emergency coordinator determines that the facility has had a release, fire, or

explosion which could threaten human health or the environment outside the facility, the emergency coordinator must report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

A) The name and telephone number of the reporter;

B) The name and address of the generator;

C) The time and type of incident (e.g., release, fire, etc.);

D) The name and quantity of materials involved, to the extent known;

E) The extent of injuries, if any; and

F) The possible hazards to human health or the environment outside the facility.

e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

f) If the generator stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with

- 7097 all the applicable requirements and conditions for exemption in 35 Ill. Adm. Code
7098 722, 723, and 725.
7099
7100 h) The emergency coordinator must ensure that the following is true in the affected
7101 areas of the facility:
7102
7103 1) No hazardous waste that may be incompatible with the released material is
7104 treated, stored, or disposed of until cleanup procedures are completed; and
7105
7106 2) All emergency equipment listed in the contingency plan is cleaned and fit
7107 for its intended use before operations are resumed.
7108
7109 i) The generator must note in the operating record the time, date, and details of any
7110 incident that requires implementing the contingency plan. Within 15 days after
7111 the incident, the generator must submit a written report on the incident to the
7112 Agency. The report must include the following information:
7113
7114 1) The name, address, and telephone number of the generator;
7115
7116 2) The date, time, and type of incident (e.g., fire, explosion, etc.);
7117
7118 3) The name and quantity of materials involved;
7119
7120 4) The extent of injuries, if any;
7121
7122 5) An assessment of actual or potential hazards to human health or the
7123 environment, where this is applicable; and
7124
7125 6) The estimated quantity and disposition of recovered material that resulted
7126 from the incident.
7127
7128

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