

EXEMPT

JCAR350722-0805174r01

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4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

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7 STANDARDS APPLICABLE TO
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9

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83 722.APPENDIX A Hazardous Waste Manifest

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

87
 88 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 89 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
 90 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,
 91 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at
 92 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,
 93 effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987;
 94 amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12
 95 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective
 96 December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;
 97 amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at
 98 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective
 99 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in
 100 R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg.
 101 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,
 102 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-
 103 10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-
 104 3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg.
 105 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20,
 106 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29
 107 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138,
 108 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective
 109 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. _____, effective _____.

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 111 **SUBPART B: THE MANIFEST**

112
 113 **Section 722.120 General Requirements**

114
 115 a) ~~Manifest use.~~

116
 117 a+) A generator that transports hazardous waste or offers a hazardous waste for
 118 transportation for off-site treatment, storage, or disposal or, ~~effective September 5,~~
 119 ~~2006,~~ a treatment, storage, or disposal facility that offers for transport a rejected
 120 load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and,
 121 if necessary, on USEPA Form 8700-22A) according to the instructions included
 122 in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and
 123 Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)),
 124 incorporated by reference in 35 Ill. Adm. Code 720.111(b).

125
 126 2) ~~Manifest amendments effective dates.~~

127
 128 A) ~~The revised manifest form and procedures in 35 Ill. Adm. Code~~
 129 ~~720.110 and 721.107, this Section, and Sections 722.121, 722.127,~~

130 722.132 through 722.134, 722.154 and in Appendix A to this Part,
 131 as amended at 70 Fed. Reg. 10776 (March 4, 2005), will not apply
 132 until September 5, 2006.
 133

134 B) ~~The existing manifest form and procedures in 35 Ill. Adm. Code~~
 135 ~~720.110 and 721.107, this Section, and Sections 722.121, 722.127,~~
 136 ~~722.132 through 722.134, 722.154 and in Appendix A to this Part~~
 137 ~~will apply until September 5, 2006.~~
 138

139 b) A generator must designate on the manifest one receiving facility that is permitted
 140 to handle the waste described on the manifest.
 141

142 c) A generator may also designate on the manifest one alternate receiving facility
 143 that is permitted to handle his waste in the event an emergency prevents delivery
 144 of the waste to the primary designated facility.
 145

146 d) If the transporter is unable to deliver the hazardous waste to the designated
 147 receiving facility or the alternate facility, the generator must either designate
 148 another receiving facility or instruct the transporter to return the waste.
 149

150 e) The requirements of this Subpart B do not apply to hazardous waste produced by
 151 generators of greater than 100 kg but less than 1,000 kg in a calendar month
 152 where the following conditions are fulfilled:
 153

154 1) The waste is reclaimed under a contractual agreement that specifies the
 155 type of waste and frequency of shipments;
 156

157 2) The vehicle used to transport the waste to the recycling facility and to
 158 deliver regenerated material back to the generator is owned and operated
 159 by the reclaimer of the waste; and
 160

161 3) The generator maintains a copy of the reclamation agreement in his files
 162 for a period of at least three years after termination or expiration of the
 163 agreement.
 164

165 f) The requirements of this Subpart B and Section 722.132(b) do not apply to the
 166 transport of hazardous wastes on a public or private right-of-way within or along
 167 the border of contiguous property under the control of the same person, even if
 168 such contiguous property is divided by a public or private right-of-way.
 169 Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must
 170 comply with the requirements for transporters set forth in 35 Ill. Adm. Code
 171 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or
 172 private right-of-way.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

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

- a) ~~The following requirements apply until September 5, 2006:~~
 - 1) ~~If the State of Illinois is the state to which the shipment is manifested (designated receiving state), the generator must use the manifest supplied by the Agency.~~
 - 2) ~~If the State of Illinois is not the designated receiving state, the generator must use the manifest required by the designated receiving state. If the designated receiving state does not supply and require the manifest, then the generator must use the manifest supplied by the Agency.~~
- b) ~~The following requirements apply effective September 5, 2006:~~
 - a1) USEPA approval of manifest.
 - 1A) 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 Solid Waste to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections ~~(c)(b)(3)~~ and ~~(e)(b)(5)~~ of this Section.
 - 2B) 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 subsection (b)~~. The registrant is responsible for assigning manifest tracking numbers to its manifests.
 - b2) A registrant must submit an initial application to the USEPA Director of the Office of Solid Waste that contains the following information:
 - 1A) The name and mailing address of registrant;
 - 2B) The name, telephone number, and email address of contact person;
 - 3C) A brief description of registrant's government or business activity;
 - 4D) The USEPA identification number of the registrant, if applicable;

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- 5E) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:
 - Ai) 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;
 - Bii) 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-subsection (b). 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
 - Ciii) 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);
- 6F) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so

259 (e.g., corporate brochures, product samples, customer references,
 260 documentation of ISO certification), so long as such information pertains
 261 to the establishments or company being proposed to print the manifest;
 262

263 7G) Proposed unique three-letter manifest tracking number suffix. If the
 264 registrant is approved to print the manifest, the registrant must use this
 265 suffix to pre-print a unique manifest tracking number on each manifest;
 266 and

267
 268 8H) A signed certification by a duly authorized employee of the registrant that
 269 the organizations and companies in its application will comply with the
 270 procedures of its approved application and the requirements of 40 CFR
 271 262.21, as described in this Section subsection (b) and that it will notify
 272 the Agency and the USEPA Director of the Office of Solid Waste of any
 273 duplicated manifest tracking numbers on manifests that have been used or
 274 distributed to other parties as soon as this becomes known.
 275

276 c3) USEPA will review the application submitted under subsection (b)(b)(2) of this
 277 Section and either approve it or request additional information or modification
 278 before approving it.
 279

280 d4) Submission of document samples.
 281

282 1A) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c),
 283 as described in subsection (c)(b)(3) of this Section, USEPA will provide
 284 the registrant an electronic file of the manifest, continuation sheet, and
 285 manifest instructions and ask the registrant to submit three fully assembled
 286 manifests and continuation sheet samples, except as noted in 40 CFR
 287 262.21(d)(3), as described in subsection (d)(3)(b)(4)(C) of this Section.
 288 The registrant's samples must meet all of the specifications in 40 CFR
 289 262.21(f), as described in subsection (f)(b)(6) of this Section, and be
 290 printed by the company that will print the manifest as identified in the
 291 application approved by USEPA pursuant to 40 CFR 262.21(c), as
 292 described in subsection (c)(b)(3) of this Section.
 293

294 2B) The registrant must submit a description of the manifest samples as
 295 follows:

296
 297 Ai) The paper type (i.e., manufacturer and grade of the manifest
 298 paper);
 299

300 Bi) The paper weight of each copy;
 301

- 302 C~~ii~~) The ink color of the manifest's instructions. If screening of the ink
 303 was used, the registrant must indicate the extent of the screening;
 304 and
 305
 306 D~~iv~~) The method of binding the copies.
 307
 308 3E) The registrant need not submit samples of the continuation sheet if it will
 309 print its continuation sheet using the same paper type, paper weight of
 310 each copy, ink color of the instructions, and binding method as its
 311 manifest form samples.
 312
 313 e5) USEPA will evaluate the forms and either approve the registrant to print them as
 314 proposed or request additional information or modification to them before
 315 approval. USEPA will notify the registrant of its decision by mail. The registrant
 316 cannot use or distribute its forms until USEPA approves them. An approved
 317 registrant must print the manifest and continuation sheet according to its
 318 application approved by USEPA pursuant to 40 CFR 262.21(c), as described in
 319 subsection (c)(b)(3) of this Section and the manifest specifications in 40 CFR
 320 262.21(f), as described in subsection (f)(b)(6) of this Section. It also must print
 321 the forms according to the paper type, paper weight, ink color of the manifest
 322 instructions and binding method of its approved forms.
 323
 324 f6) Paper manifests and continuation sheets must be printed according to the
 325 following specifications:
 326
 327 1A) The manifest and continuation sheet must be printed with the exact format
 328 and appearance as USEPA Forms 8700-22 and 8700-22A, respectively.
 329 However, information required to complete the manifest may be
 330 preprinted on the manifest form.
 331
 332 2B) A unique manifest tracking number assigned in accordance with a
 333 numbering system approved by USEPA must be pre-printed in Item 4 of
 334 the manifest. The tracking number must consist of a unique three-letter
 335 suffix following nine digits.
 336
 337 3C) The manifest and continuation sheet must be printed on 8½ x 11-inch
 338 white paper, excluding common stubs (e.g., top- or side-bound stubs).
 339 The paper must be durable enough to withstand normal use.
 340
 341 4D) The manifest and continuation sheet must be printed in black ink that can
 342 be legibly photocopied, scanned, and faxed, except that the marginal
 343 words indicating copy distribution must be in red ink.
 344

345 5E) The manifest and continuation sheet must be printed as six-copy forms.
 346 Copy-to-copy registration must be exact within 1/32 inch. Handwritten
 347 and typed impressions on the form must be legible on all six copies.
 348 Copies must be bound together by one or more common stubs that
 349 reasonably ensure that they will not become detached inadvertently during
 350 normal use.

351
 352 6F) Each copy of the manifest and continuation sheet must indicate how the
 353 copy must be distributed, as follows:

354
 355 Ai) Page 1 (top copy): "Designated facility to destination State (if
 356 required)."

357
 358 Bii) Page 2: "Designated facility to generator State (if required)."

359
 360 Ciii) Page 3: "Designated facility to generator."

361
 362 Div) Page 4: "Designated facility's copy."

363
 364 E v) Page 5: "Transporter's copy."

365
 366 Fvi) Page 6 (bottom copy): "Generator's initial copy."

367
 368 7G) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous
 369 Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and
 370 Their Instructions)), incorporated by reference in 35 Ill. Adm. Code
 371 720.111(b), must appear legibly on the back of the copies of the manifest
 372 and continuation sheet as provided in 40 CFR 262.21(f), as described in
 373 this subsection ~~(f)(b)(6) and subsection (b)(14) of this Section~~. The
 374 instructions must not be visible through the front of the copies when
 375 photocopied or faxed.

376
 377 ~~BOARD NOTE: Subsection (b)(6)(G) corresponds with 40 CFR~~
 378 ~~262.21(f)(7) (2004), as amended at 70 Fed. Reg. 10776 (March 4,~~
 379 ~~2005). The Board has moved 40 CFR 262.21(f)(7)(i) and (f)(7)(ii)~~
 380 ~~to appear as subsections (b)(14)(A) and (b)(14)(B) to comport with~~
 381 ~~Illinois Administrative Code codification requirements.~~

382
 383 A) Manifest Form 8700-22.

384
 385 i) The "Instructions for Generators" on Copy 6;

386

- 387 ii) The "Instructions for International Shipment Block" and
- 388 "Instructions for Transporters" on Copy 5; and
- 389
- 390 iii) The "Instructions for Treatment, Storage, and Disposal
- 391 Facilities" on Copy 4.
- 392

B) Manifest Form 8700-22A.

- 394
- 395 i) The "Instructions for Generators" on Copy 6;
- 396
- 397 ii) The "Instructions for Transporters" on Copy 5; and
- 398
- 399 iii) The "Instructions for Treatment, Storage, and Disposal
- 400 Facilities" on Copy 4.
- 401

g7) Use of approved manifests.

402 1A) A generator may use manifests printed by any source so long as the source

403

404 of the printed form has received approval from USEPA to print the

405 manifest pursuant to 40 CFR 262.21(c) and (e), as described in

406 subsections ~~(c)(b)(3)~~ and ~~(e)(b)(5)~~ of this Section. A registered source

407 may be any of the following:

408

409

Ai) A state agency;

Bi) A commercial printer;

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

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

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420 2B) The waste generator must determine whether the generator state or the

421 consignment state for a shipment regulates any additional wastes (beyond

422 those regulated federally) as hazardous wastes under these states'

423 authorized programs. The generator must also determine whether the

424 consignment state or generator state requires the generator to submit any

425 copies of the manifest to these states. In cases where the generator must

426 supply copies to either the generator's state or the consignment state, the

427 generator is responsible for supplying legible photocopies of the manifest

428 to these states.

429

- 473 j10) USEPA may exempt a registrant from the requirement to submit form samples
 474 pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection ~~(d)(b)(4)~~ or
 475 ~~(h)(3)(b)(8)(C)~~ of this Section, if USEPA is persuaded that a separate review of
 476 the registrant's forms would serve little purpose in informing an approval decision
 477 (e.g., a registrant certifies that it will print the manifest using the same paper type,
 478 paper weight, ink color of the instructions, and binding method of the form
 479 samples approved for some other registrant). A registrant may request an
 480 exemption from USEPA by indicating why an exemption is warranted.
 481
- 482 k11) An approved registrant must notify USEPA by phone or email as soon as it
 483 becomes aware that it has duplicated tracking numbers on any manifests that have
 484 been used or distributed to other parties.
 485
- 486 l12) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR
 487 262.21(e), as described in subsection ~~(e)(b)(5)~~ of this Section, USEPA becomes
 488 aware that the approved paper type, paper weight, ink color of the instructions, or
 489 binding method of the registrant's form is unsatisfactory, USEPA will contact the
 490 registrant and require modifications to the form.
 491
- 492 m13) Effects of non-compliance.
- 493
- 494 1A) USEPA may suspend and, if necessary, revoke printing privileges if we
 495 find that the registrant has done either of the following:
- 496
- 497 Ai) The registrant has used or distributed forms that deviate from its
 498 approved form samples in regard to paper weight, paper type, ink
 499 color of the instructions, or binding method; or
- 500
- 501 Bii) The registrant exhibits a continuing pattern of behavior in using or
 502 distributing manifests that contain duplicate manifest tracking
 503 numbers.
 504
- 505 2B) USEPA will send a warning letter to the registrant that specifies the date
 506 by which it must come into compliance with the requirements. If the
 507 registrant does not come in compliance by the specified date, USEPA will
 508 send a second letter notifying the registrant that USEPA has suspended or
 509 revoked its printing privileges. An approved registrant must provide
 510 information on its printing activities to the Agency and USEPA if
 511 requested.
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- 513 14) ~~Required manifest instructions:~~
- 514 A) ~~Manifest Form 8700-22.~~
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- 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.

~~BOARD NOTE: Subsection (b)(14)(A) and (b)(14)(B) are derived from 40 CFR 262.21(f)(7)(i) and (f)(7)(ii) (2004), as amended at 70 Fed. Reg. 10776 (March 4, 2005). These provisions would normally correspond with subsections (b)(6)(G)(i) and (b)(6)(G)(ii) of this Section. The Board has moved 40 CFR 262.21(f)(7)(i) and (f)(7)(ii) to appear as subsections (b)(14)(A) and (b)(14)(B) of this Section to comport with Illinois Administrative Code codification requirements.~~

~~BOARD NOTE: Subsection (a) is derived from 40 CFR 262.21 (2004), effective until September 5, 2006. Subsection (b) is derived from 40 CFR 262.21 (2005), effective September 5, 2006.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 722.127 Waste Minimization Certification

~~Effective September 5, 2006,~~ a generator that initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

- a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment"; or

559 b) "I am a small quantity generator. I have made a good faith effort to minimize my
560 waste generation and select the best waste management method that is available to
561 me and that I can afford."
562

563 BOARD NOTE: 35 Ill. Adm. Code 720.110 defines a "small quantity generator" as a generator
564 that generates less than 1,000 kilograms of hazardous waste in any calendar month. There is no
565 corresponding definition of "large quantity generator" in the federal regulations, but the Board
566 interprets the term to mean a hazardous waste generator that is not a small quantity generator.
567

568 (Source: Amended at 32 Ill. Reg. _____, effective _____)
569

570 SUBPART C: PRE-TRANSPORT REQUIREMENTS
571

572 **Section 722.132 Marking**
573

574 a) Before transporting or offering hazardous waste for transportation off-site, a
575 generator must mark each package of hazardous waste in accordance with the
576 applicable USDOT regulations on hazardous materials under 49 CFR 172
577 (Hazardous Materials Table, Special Provisions, Hazardous Materials
578 Communications, Emergency Response Information, and Training
579 Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
580

581 b) Marking small containers.
582

583 1) ~~Until September 5, 2006, before transporting hazardous waste or offering~~
584 ~~hazardous waste for transportation off-site, a generator must mark each~~
585 ~~container of 416 liters (110 gallons) or less that is used in such~~
586 ~~transportation with the following words and information displayed in~~
587 ~~accordance with the requirements of 49 CFR 172.304 (Marking~~
588 ~~Requirements), incorporated by reference in 35 Ill. Adm. Code~~
589 ~~720.111(b):~~
590

591 HAZARDOUS WASTE—Federal Law Prohibits Improper
592 Disposal. If found, contact the nearest police or public safety
593 authority or the U.S. Environmental Protection Agency.
594

Generator's Name and
Address _____ :

Manifest Document Number _____ :

595 2) ~~Before Effective September 5, 2006, before~~ transporting hazardous waste or
596 offering hazardous waste for transportation off-site, a generator must mark each
597 container of 450 liters (110 gallons) or less that is used in such transportation with
598

599 the following words and information displayed in accordance with the requirements
 600 of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill.
 601 Adm. Code 720.111(b):

602
 603 HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal.
 604 If found, contact the nearest police or public safety authority or the
 605 U.S. Environmental Protection Agency.

606
 607 Generator's Name and Address _____.

608
 609 Generator's USEPA Identification Number _____.

610
 611 Manifest Tracking Number _____.

612
 613 ~~BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 262.32(b) (2004),~~
 614 ~~effective until September 5, 2006. Subsection (b)(2) is derived from 40 CFR~~
 615 ~~262.32(b) (2005), effective September 5, 2006.~~

616
 617 (Source: Amended at 32 Ill. Reg. _____, effective _____)

618
 619 **Section 722.133 Placarding**

620
 621 a) ~~Until September 5, 2006, before transporting hazardous waste or offering~~
 622 ~~hazardous waste for transportation off-site, a generator must placard or offer the~~
 623 ~~initial transporter the appropriate placards according to USDOT regulations for~~
 624 ~~hazardous materials under subpart F of 49 CFR 172 (Placarding), incorporated by~~
 625 ~~reference in 35 Ill. Adm. Code 720.111(b).~~

626
 627 ~~b) Before Effective September 5, 2006, before transporting hazardous waste or offering hazardous~~
 628 ~~waste for transportation off-site, a generator must placard or offer the initial transporter the~~
 629 ~~appropriate placards according to USDOT regulations for hazardous materials under subpart F of~~
 630 ~~49 CFR 172 (Placarding), incorporated by reference in 35 Ill. Adm. Code 720.111(b). If~~
 631 ~~placards are not required, a generator must mark each motor vehicle according to 49 CFR~~
 632 ~~171.3(b)(1) (Hazardous Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~

633
 634 ~~BOARD NOTE: Subsection (a) is derived from 40 CFR 262.33 (2004), effective until~~
 635 ~~September 5, 2006. Subsection (b) is derived from 40 CFR 262.33 (2005), effective~~
 636 ~~September 5, 2006.~~

637
 638 (Source: Amended at 32 Ill. Reg. _____, effective _____)

639
 640 **Section 722.134 Accumulation Time**

641

- 642 a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a
 643 generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm.
 644 Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may
 645 accumulate hazardous waste on-site for 90 days or less without a permit or
 646 without having interim status, provided that the following conditions are fulfilled:
 647
- 648 1) The waste is placed in or on one of the following types of units, and the
 649 generator complies with the applicable requirements:
- 650
- 651 A) In containers, and the generator complies with Subparts I, AA, BB,
 652 and CC of 35 Ill. Adm. Code 725;
- 653
- 654 B) In tanks, and the generator complies with Subparts J, AA, BB, and
 655 CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c)
 656 and 725.300;
- 657
- 658 C) On drip pads, and the generator complies with Subpart W of 35 Ill.
 659 Adm. Code 725 and maintains the following records at the facility:
- 660
- 661 i) A description of the procedures that will be followed to
 662 ensure that all wastes are removed from the drip pad and
 663 associated collection system at least once every 90 days;
 664 and
- 665
- 666 ii) Documentation of each waste removal, including the
 667 quantity of waste removed from the drip pad and the sump
 668 or collection system and the date and time of removal; or
- 669
- 670 D) In containment buildings, and the generator complies with Subpart
 671 DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer
 672 (PE) certification that the building complies with the design
 673 standards specified in 35 Ill. Adm. Code 725.1101 in the facility's
 674 operating record prior to the date of initial operation of the unit).
 675 The owner or operator must maintain the following records at the
 676 facility:
- 677
- 678 i) A written description of procedures to ensure that each
 679 waste volume remains in the unit for no more than 90 days,
 680 a written description of the waste generation and
 681 management practices for the facility showing that they are
 682 consistent with respect to the 90 day limit, and
 683 documentation that the procedures are complied with; or
 684

728 of the containers.

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2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 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, Subpart C of 35 Ill. Adm. Code 725, and 35 Ill. Adm. Code 728.107(a)(5); 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;

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- 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

813 iv) The estimated quantity and disposition of recoverable
 814 materials, if any.

815
 816 BOARD NOTE: The Board has codified 40 CFR
 817 262.34(d)(5)(iv)(C)(1) through (d)(5)(iv)(C)(5) as subsections
 818 (d)(5)(E)(i) through (d)(5)(E)(iv) because Illinois Administrative
 819 Code codification requirements do not allow the use of a fifth level
 820 of subsection indents.

821
 822 e) A generator that generates greater than 100 kilograms but less than 1,000
 823 kilograms of hazardous waste in a calendar month and that must transport the
 824 waste or offer the waste for transportation over a distance of 200 miles or more
 825 for off-site treatment, storage, or disposal may accumulate hazardous waste on-
 826 site for 270 days or less without a permit or without having interim status,
 827 provided that the generator complies with the requirements of subsection (d) of
 828 this Section.

829
 830 f) A generator that generates greater than 100 kilograms but less than 1,000
 831 kilograms of hazardous waste in a calendar month and that accumulates
 832 hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste
 833 for more than 180 days (or for more than 270 days if the generator must transport
 834 the waste or offer the waste for transportation over a distance of 200 miles or
 835 more) is an operator of a storage facility and is subject to the requirements of 35
 836 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code
 837 703, unless the generator has been granted an extension to the 180-day (or 270-
 838 day if applicable) period. If hazardous wastes must remain on-site for longer than
 839 180 days (or 270 days if applicable) due to unforeseen, temporary, and
 840 uncontrollable circumstances, the generator may seek an extension of up to 30
 841 days by means of variance or provisional variance pursuant to Sections 35(b),
 842 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c),
 843 and 37(b)].

844
 845 g) A generator that generates 1,000 kilograms or greater of hazardous waste per
 846 calendar month which also generates wastewater treatment sludges from
 847 electroplating operations that meet the listing description for the RCRA hazardous
 848 waste code F006, may accumulate F006 waste on-site for more than 90 days, but
 849 not more than 180 days, without a permit or without having interim status
 850 provided that the generator fulfills the following conditions:

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

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- 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).

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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 and 725 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(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), 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.

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- 2) On a case-by-case basis, the Agency must grant a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), 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) A member of the federal National Environmental Performance Track program that generates 1,000 kg or greater of hazardous waste per month (or one kilogram or more of acute hazardous waste) may accumulate hazardous waste on-site without a permit or interim status for an extended period of time, provided that the following conditions are fulfilled:
- 1) The generator accumulates the hazardous waste for no more than 180 days, or for no more than 270 days if the generator must transport the waste (or offer the waste for transport) more than 200 miles from the generating facility;
 - 2) The generator first notifies USEPA Region 5 and the Agency in writing of its intent to begin accumulation of hazardous waste for extended time periods under the provisions of this Section. Such advance notice must include the following information:
 - A) The name and USEPA ID number of the facility and specification of when the facility will begin accumulation of hazardous wastes for extended periods of time in accordance with this Section;
 - B) A description of the types of hazardous wastes that will be accumulated for extended periods of time and the units that will be used for such extended accumulation;
 - C) A statement that the facility has made all changes to its operations; procedures, including emergency preparedness procedures; and equipment, including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and

- 984 D) If the generator intends to accumulate hazardous wastes on-site for
 985 up to 270 days, a certification that a facility that is permitted (or
 986 operating under interim status) under 35 Ill. Adm. Code 702 and
 987 703, federal 40 CFR 270, or the corresponding regulations of a
 988 sister state to receive these wastes is not available within 200 miles
 989 of the generating facility;
 990
- 991 3) The waste is managed in the following types of units:
 992
- 993 A) Containers, in accordance with the applicable requirements of
 994 Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725 and 35 Ill.
 995 Adm. Code 724.275;
 996
- 997 B) Tanks, in accordance with the requirements of Subparts J, AA, BB,
 998 and CC of 35 Ill. Adm. Code 725, except for Sections 725.297(c)
 999 and Section 725.300;
 1000
- 1001 C) Drip pads, in accordance with Subpart W of 35 Ill. Adm. Code
 1002 725; or
 1003
- 1004 D) Containment buildings, in accordance with Subpart DD of 35 Ill.
 1005 Adm. Code 725;
 1006
- 1007 4) The quantity of hazardous waste that is accumulated for extended time
 1008 periods at the facility does not exceed 30,000 kg;
 1009
- 1010 5) The generator maintains the following records at the facility for each unit
 1011 used for extended accumulation times:
 1012
- 1013 A) A written description of procedures to ensure that each waste
 1014 volume remains in the unit for no more than 180 days (or 270 days,
 1015 as applicable), a description of the waste generation and
 1016 management practices at the facility showing that they are
 1017 consistent with the extended accumulation time limit, and
 1018 documentation that the procedures are complied with; or
 1019
- 1020 B) Documentation that the unit is emptied at least once every 180
 1021 days (or 270 days, if applicable);
 1022
- 1023 6) Each container or tank that is used for extended accumulation time periods
 1024 is labeled or marked clearly with the words "Hazardous Waste," and for
 1025 each container the date upon which each period of accumulation begins is
 1026 clearly marked and visible for inspection;

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- 7) The generator complies with the requirements for owners and operators in Subparts C and D of 35 Ill. Adm. Code 725, 35 Ill. Adm. Code 725.116, and 35 Ill. Adm. Code 728.107(a)(5). 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;
- 8) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants released to the environment prior to its recycling, treatment, or disposal; and
- 9) The generator includes the following information with its federal National Environmental Performance Track Annual Performance Report, which must be submitted to the USEPA Region 5 and the Agency:
 - A) Information on the total quantity of each hazardous waste generated at the facility that has been managed in the previous year according to extended accumulation time periods;
 - B) Information for the previous year on the number of off-site shipments of hazardous wastes generated at the facility, the types and locations of destination facilities, how the wastes were managed at the destination facilities (e.g., recycling, treatment, storage, or disposal), and what changes in on-site or off-site waste management practices have occurred as a result of extended accumulation times or other pollution prevention provisions of this Section;
 - C) Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and
 - D) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility.

BOARD NOTE: The National Environmental Performance Track program is operated exclusively by USEPA. USEPA established the program in 2000 (see 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg.

1070 27922 (May 17, 2004)). USEPA confers membership in the program on
 1071 application of interested and eligible entities. Information about the program is
 1072 available from a website maintained by USEPA: www.epa.gov/
 1073 performancetrack.
 1074

1075 k) If the Agency finds that hazardous wastes must remain on-site at a federal
 1076 National Environmental Performance Track member facility for longer than the
 1077 180 days (or 270 days, if applicable) allowed under subsection (j) of this Section
 1078 due to unforeseen, temporary, and uncontrollable circumstances, it must grant an
 1079 extension to the extended accumulation time period of up to 30 days on a case-by-
 1080 case basis by a provisional variance pursuant to Sections 35(b), 36(c), and 37(b)
 1081 of the Act [415 ILCS 5/35(b), 36(c), and 37(b)].
 1082

1083 l) If a generator that is a member of the federal National Environmental
 1084 Performance Track program withdraws from the National Environmental
 1085 Performance Track program or if USEPA Region 5 terminates a generator's
 1086 membership, the generator must return to compliance with all otherwise
 1087 applicable hazardous waste regulations as soon as possible, but no later than six
 1088 months after the date of withdrawal or termination.
 1089

1090 m) ~~Effective September 5, 2006,~~ a generator that sends a shipment of hazardous
 1091 waste to a designated facility with the understanding that the designated facility
 1092 can accept and manage the waste and which later receives that shipment back as a
 1093 rejected load or residue in accordance with the manifest discrepancy provisions of
 1094 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on-site
 1095 in accordance with subsections (a) and (b) or (d), (e), and (f) of this Section,
 1096 depending on the amount of hazardous waste on-site in that calendar month.
 1097 Upon receipt of the returned shipment, the generator must sign the appropriate of
 1098 the following:
 1099

- 1100 1) Item 18c of the manifest, if the transporter returned the shipment using the
- 1101 original manifest; or
- 1102
- 1103 2) Item 20 of the manifest, if the transporter returned the shipment using a
- 1104 new manifest.
 1105

1106 (Source: Amended at 32 Ill. Reg. _____, effective _____)
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1108 **SUBPART E: EXPORTS OF HAZARDOUS WASTE**

1109 **Section 722.158 International Agreements**

1110 a) Any person that exports or imports hazardous waste subject to either the manifest
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1113 requirements of this Part or the universal waste management standards of 35 Ill.
 1114 Adm. Code 733 which is shipped to or from designated member countries of the
 1115 Organisation for Economic Co-operation and Development (OECD), as defined in
 1116 subsection (a)(1) of this Section, for purposes of recovery is subject to the
 1117 requirements of Subpart H of this Part. The requirements of Subparts E and F of
 1118 this Part do not apply where Subpart H of this Part applies.
 1119

- 1120 1) For the purposes of this Subpart E, the designated OECD countries are
 1121 Australia, Austria, Belgium, the Czech Republic, Denmark, Finland,
 1122 France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan,
 1123 Luxembourg, the Netherlands, New Zealand, Norway, Portugal, the
 1124 Slovak Republic, South Korea, Spain, Sweden, Switzerland, Turkey, the
 1125 United Kingdom, and the United States.
 1126
 1127 2) Only for the purposes of transit under this Subpart E, Canada and Mexico
 1128 are considered OECD member countries.
 1129
 1130 b) Any person that exports hazardous waste to or imports hazardous waste from any
 1131 designated OECD member country for purposes other than recovery (e.g.,
 1132 incineration, disposal, etc.), Mexico (for any purpose), or Canada (for any
 1133 purpose) remains subject to the requirements of Subparts E and F of this Part.
 1134

1135 (Source: Amended at 32 Ill. Reg. _____, effective _____)
 1136

1137 **SUBPART F: IMPORTS OF HAZARDOUS WASTE**
 1138

1139 **Section 722.160 Imports of Hazardous Waste**
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- 1141 a) Any person that imports hazardous waste from a foreign country into the United
 1142 States must comply with the requirements of this Part and the special
 1143 requirements of this Subpart F.
 1144
 1145 b) When importing hazardous waste, a person must meet all the requirements of
 1146 Section 722.120(a) for the manifest, except that the following information items
 1147 are substituted:
 1148
 1149 1) In place of the generator's name, address, and USEPA identification
 1150 number, the name and address of the foreign generator and the importer's
 1151 name, address, and USEPA identification number must be used.
 1152
 1153 2) In place of the generator's signature on the certification statement, the
 1154 United States importer or the importer's agent must sign and date the
 1155 certification and obtain the signature of the initial transporter.

- 1156
- 1157 c) A person that imports hazardous waste must obtain the manifest form as provided
- 1158 in Section 722.121(a) or (b)(7).
- 1159
- 1160 d) ~~In Effective September 5, 2006,~~ in the International Shipments block of the
- 1161 manifest, the importer must check the import box and enter the point of entry (city
- 1162 and State) into the United States.
- 1163
- 1164 e) ~~The Effective September 5, 2006,~~ the importer must provide the transporter with
- 1165 an additional copy of the manifest to be submitted by the receiving facility to
- 1166 USEPA in accordance with 35 Ill. Adm. Code ~~724.171(a)(3)724.171(a)(2)(C) or~~
- 1167 ~~725.171(a)(3), as appropriate725.171(a)(2)(C).~~
- 1168

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART H: TRANSFRONTIER SHIPMENTS OF
HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section 722.183 Notification and Consent

- 1174
- 1175
- 1176 a) Applicability. Consent must be obtained from the competent authorities of the
- 1177 relevant OECD importing and transit countries prior to exporting hazardous waste
- 1178 destined for recovery operations subject to this Subpart H. Hazardous wastes
- 1179 subject to amber-list controls are subject to the requirements of subsection (b) of
- 1180 this Section; hazardous wastes subject to red-list controls are subject to the
- 1181 requirements of subsection (c) of this Section; and wastes not identified on any
- 1182 list are subject to the requirements of subsection (d) of this Section.
- 1183
- 1184 b) Amber-list wastes. The export from the U.S. of hazardous waste, as described in
- 1185 Section 722.180(a), that is amber-list waste is prohibited unless the notification
- 1186 and consent requirements of subsection (b)(1) or subsection (b)(2) of this Section
- 1187 are met.
- 1188
- 1189 1) Transactions requiring specific consent.
- 1190
- 1191 A) Notification. At least 45 days prior to commencement of the
- 1192 transfrontier movement, the notifier must provide written
- 1193 notification in English of the proposed transfrontier movement to
- 1194 the Office of Federal Activities, International Compliance
- 1195 Assurance Division (2254A), Enforcement and Compliance
- 1196 Assurance, Office of Compliance, Enforcement Planning,
- 1197 Targeting and Data Division (2222A), Environmental Protection
- 1198 Agency, 1200 Pennsylvania Ave., NW, 401-M St., SW,

1199 Washington, DC 20460, and the Illinois Environmental Protection
 1200 Agency, Bureau of Land, Division of Land Pollution Control, P.O.
 1201 Box 19276, Springfield, IL 62794-9276, with the words
 1202 "Attention: OECD Export Notification" prominently displayed on
 1203 the envelope. This notification must include all of the information
 1204 identified in subsection (e) of this Section. In cases where wastes
 1205 having similar physical and chemical characteristics, the same
 1206 United Nations classification, and the same USEPA hazardous
 1207 waste codes are to be sent periodically to the same recovery
 1208 facility by the same notifier, the notifier may submit one
 1209 notification of intent to export these wastes in multiple shipments
 1210 during a period of up to one year.

1211

1212 B) Tacit consent. If no objection has been lodged by any concerned
 1213 country (i.e., exporting, importing, or transit countries) to a
 1214 notification provided pursuant to subsection (b)(1)(A) of this
 1215 Section within 30 days after the date of issuance of the
 1216 Acknowledgment of Receipt of notification by the competent
 1217 authority of the importing country, the transfrontier movement
 1218 may commence. Tacit consent expires one calendar year after the
 1219 close of the 30-day period; renotification and renewal of all
 1220 consents is required for exports after that date.

1221

1222 C) Written consent. If the competent authorities of all the relevant
 1223 OECD importing and transit countries provide written consent in a
 1224 period less than 30 days, the transfrontier movement may
 1225 commence immediately after all necessary consents are received.
 1226 Written consent expires for each relevant OECD importing and
 1227 transit country one calendar year after the date of that country's
 1228 consent unless otherwise specified; renotification and renewal of
 1229 each expired consent is required for exports after that date.

1230

1231 2) Shipments to facilities pre-approved by the competent authorities of the
 1232 importing countries to accept specific wastes for recovery.

1233

1234 A) The notifier must provide USEPA and the Agency the information
 1235 identified in subsection (e) of this Section in English, at least 10
 1236 days in advance of commencing shipment to a pre-approved
 1237 facility. The notification should indicate that the recovery facility
 1238 is pre-approved, and may apply to a single specific shipment or to
 1239 multiple shipments as described in subsection (b)(1)(A) of this
 1240 Section. This information must be sent to the Office of
 1241 Enforcement and Compliance Assurance, Office of Federal

1242 Activities, International Compliance Assurance Division (2254A),
 1243 Compliance, Enforcement Planning, Targeting and Data Division
 1244 (2222A), Environmental Protection Agency, 1200 Pennsylvania
 1245 Ave., NW, 401 M St., SW, Washington, DC 20460, and the
 1246 Illinois Environmental Protection Agency, Bureau of Land,
 1247 Division of Land Pollution Control, P.O. Box 19276, Springfield,
 1248 IL 62794-9276, with the words "Attention: OECD Export
 1249 Notification – Pre-approved Facility" prominently displayed on the
 1250 envelope.

1251
 1252 B) Shipments may commence after the notification required in
 1253 subsection (b)(1)(A) of this Section has been received by the
 1254 competent authorities of all concerned countries, unless the notifier
 1255 has received information indicating that the competent authorities
 1256 of one or more concerned countries objects to the shipment.
 1257

1258 c) Red-list wastes. The export from the U.S. of hazardous waste, as described in
 1259 Section 722.180(a), that is red-list waste is prohibited unless notice is given
 1260 pursuant to subsection (b)(1)(A) of this Section and the notifier receives written
 1261 consent from the importing country and any transit countries prior to
 1262 commencement of the transfrontier movement.
 1263

1264 d) Unlisted wastes. Waste that is not green-list waste, amber-list waste, or red-list
 1265 waste and which is considered hazardous under U.S. national procedures, as
 1266 defined in Section 722.180(a), is subject to the notification and consent
 1267 requirements established for red-list wastes in accordance with subsection (c) of
 1268 this Section. Unlisted wastes that are not considered hazardous under U.S.
 1269 national procedures, as defined in Section 722.180(a), are not subject to amber-list
 1270 or red-list controls when exported or imported.
 1271

1272 e) Notification information. Notifications submitted under this Section must include
 1273 the following information:

- 1274 1) Serial number or other accepted identifier of the notification form;
- 1275 2) Notifier name and USEPA identification number (if applicable), address,
 1276 and telephone and telefax numbers;
- 1277 3) Importing recovery facility name, address, telephone and telefax numbers,
 1278 and technologies employed;
- 1279 4) Consignee name (if not the owner or operator of the recovery facility),
 1280 address, and telephone and telefax numbers; whether the consignee will
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- 1285 engage in waste exchange or storage prior to delivering the waste to the
- 1286 final recovery facility; and identification of recovery operations to be
- 1287 employed at the final recovery facility;
- 1288
- 1289 5) Intended transporters or their agents;
- 1290
- 1291 6) Country of export and relevant competent authority and point of departure;
- 1292
- 1293 7) Countries of transit and relevant competent authorities and points of entry
- 1294 and departure;
- 1295
- 1296 8) Country of import and relevant competent authority and point of entry;
- 1297
- 1298 9) Statement of whether the notification is a single notification or a general
- 1299 notification. If general, include period of validity requested;
- 1300
- 1301 10) Date foreseen for commencement of transfrontier movement;
- 1302
- 1303 11) Designation of waste types from the appropriate list (e.g., amber-list waste
- 1304 or red-list waste and waste list code), descriptions of each waste type,
- 1305 estimated total quantity of each, USEPA hazardous waste code, and
- 1306 United Nations number for each waste type; and
- 1307
- 1308 12) Certification/Declaration signed by the notifier that states as follows:
- 1309
- 1310 "I certify that the above information is complete and correct to the best of
- 1311 my knowledge. I also certify that legally-enforceable written contractual
- 1312 obligations have been entered into, and that any applicable insurance or
- 1313 other financial guarantees are or must be in force covering the
- 1314 transfrontier movement.
- 1315

Name: _____

Signature: _____

Date: _____"

1316

1317 BOARD NOTE: The U.S. does not currently require financial assurance;

1318 however, U.S. exporters may be asked by other governments to provide

1319 and certify to such assurance as a condition of obtaining consent to a

1320 proposed movement.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

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1324 **Section 722.184 Tracking Document**

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- a) All U.S. parties subject to the contract provisions of Section 722.185 must ensure that a tracking document meeting the conditions of subsection (b) of this Section accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in this subsection (a).
 - 1) For shipments of hazardous waste within the U.S. solely by water (bulk shipments only), the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the U.S. if exported by water (in accordance with the manifest routing procedures at Section 722.123(c)).
 - 2) For rail shipments of hazardous waste within the U.S. that originate at the site of generation, the generator must forward the tracking 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 U.S. if exported by rail.

- b) The tracking document must include all information required under Section 722.183 (for notification) and the following information:
 - 1) The date shipment commenced;
 - 2) The name (if not notifier), address, and telephone and telefax numbers of 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;
 - 5) Any special precautions to be taken by transporters;
 - 6) A certification or declaration signed by notifier 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

1367 financial guarantees are or must be in force covering the transfrontier
1368 movement, and that:"

1369 "1. All necessary consents have been received;"
1370

1371 "2. The shipment is directed at a recovery facility within the OECD
1372 area and no objection has been received from any of the concerned
1373 countries within the 30 day tacit consent period;"
1374

1375 "3. The shipment is directed at a recovery facility pre-authorized for
1376 that type of waste within the OECD area, such an authorization has
1377 not been revoked, and no objection has been received from any of
1378 the concerned countries."
1379

1380 (delete sentences that are not applicable)
1381

1382 "Name: _____
Signature: _____
Date: _____"; and

1383 7) The appropriate signatures for each custody transfer (e.g., transporter,
1384 consignee, and owner or operator of the recovery facility).
1385

1386 c) Notifiers also must comply with the special manifest requirements of Section
1387 722.154(a), (b), (c), (e), and (i) and consignees must comply with the import
1388 requirements of Subpart F of this Part.
1389

1390 d) Each U.S. person that has physical custody of the waste from the time the
1391 movement commences until it arrives at the recovery facility must sign the
1392 tracking document (e.g., transporter, consignee, and owner or operator of the
1393 recovery facility).
1394

1395 e) Within three working days after the receipt of imports subject to this Subpart H,
1396 the owner or operator of the U.S. recovery facility must send signed copies of the
1397 tracking document to the notifier, to the Office of Enforcement and Compliance
1398 Assurance, Office of Federal Activities, International Compliance Assurance
1399 Division (2254A), Compliance, Enforcement Planning, Targeting and Data
1400 Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave.,
1401 NW, 401 M St., SW, Washington, DC 20460, and to the competent authorities of
1402 the exporting and transit countries.
1403

1404 (Source: Amended at 32 Ill. Reg. _____, effective _____)
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Section 722.187 Reporting and Recordkeeping

- a) Annual reports. For all waste movements subject to this Subpart H, persons (e.g., notifiers, recognized traders, etc.) that meet the definition of primary exporter in Section 722.151 must file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), ~~Compliance, Enforcement Planning, Targeting and Data Division (2222A)~~, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, 401 M St., SW, 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 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 the following information:
- 1) The USEPA identification number, name, and mailing and site address of the notifier 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 designation of waste types from the OECD waste list and applicable waste code from the OECD lists, as described in the annex to OECD Council Decision C(88)90/Final, as amended by C(94)152/Final, incorporated by reference in 35 Ill. Adm. Code 720.111(a), 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 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:

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- A) A description of the efforts undertaken during the year to reduce the volume and toxicity of 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 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 must file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 if any of the following occurs:
- 1) The person has not received a copy of the tracking 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 notifier 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.
- c) Recordkeeping.
- 1) Persons that meet the definition of primary exporter in Section 722.151 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 concerned countries, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
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- B) A copy of each annual report, for a period of at least three years from the due date of the report; and
 - C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier, 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.
- 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: Amended at 32 Ill. Reg. _____, effective _____)