

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in 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 ~~Nov-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 ~~Nov-November~~ 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective ~~Sept-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 ~~Nov-November~~ 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective ~~Nov-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 ~~Sept-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. _____, effective _____.

SUBPART B: THE MANIFEST

Section 722.120 General Requirements

~~a) Manifest use.~~

1 a) A generator that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or, ~~effective Sept. 5, 2006,~~ 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) Manifest amendments effective dates.~~

~~A) The revised manifest form and procedures in 35 Ill. Adm. Code 720.110 and 721.107, this Section, Sections 722.121, 722.127, 722.132 to 722.134, 722.154 and i. Appendix A to this Part, as ended at 7 Fed. Reg. 1 776 (March 4, 2005), will not apply until Sept. 5, 2006.~~

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

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

c) 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 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 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 32 Ill. Reg. _____, effective _____)

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

~~a) The following requirements apply until Sept. 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 Sept. 5, 2006:~~

~~1a) USEPA approval of manifest.~~

~~A1) 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 (b)-(3)-(c) and (b)-(5)-(e) of this Section.~~

~~E2) 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 subsection (b) Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.~~

~~2b) A registrant must submit an initial application to the USEPA Director of the Office of Solid Waste that contains the following information:~~

~~A1) The name and mailing address of registrant;~~

~~B2) The name, telephone number, and email address of contact person;~~

~~C3) A brief description of registrant's government or business activity;~~

~~D4) The USEPA identification number of the registrant, if applicable;~~

~~E5) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:~~

~~4AA)~~ 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;

~~4BB)~~ 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 ~~subsection (b)~~ 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

~~4BC)~~ 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);

F6) 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;

G7) 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

H8) 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 ~~subsection (b)~~ Section and that it will notify the Agency and the USEPA Director of the Office of Solid Waste of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

3c) USEPA will review the application submitted under subsection (b) ~~(2)~~ ~~(b)~~ of this Section and either approve it or request additional information or modification before approving it.

4d) Submission of document samples.

A1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection ~~(b)(3)~~-(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 ~~(b)(4)(C)~~-(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 ~~(b)(6)~~-(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 ~~(b)(3)~~-(c) of this Section.

B2) The registrant must submit a description of the manifest samples as follows:

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

~~iiB)~~ The paper weight of each copy;

~~iiC)~~ 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

~~iiD)~~ The method of binding the copies.

E3) 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.

5e) 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 ~~(b)(3)~~-(e) of this Section and the manifest specifications in 40 CFR 262.21(f), as described in subsection ~~(b)(6)~~ (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.

5f) Paper manifests and continuation sheets must be printed according to the following specifications:

A1) 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.

B2) 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.

E3) 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.

D4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.

E5) 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.

F6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

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

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

~~iCC)~~ Page 3: "Designated facility to generator."

~~iDD)~~ Page 4: "Designated facility's copy."

~~iEE)~~ Page 5: "Transporter's copy."

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

G7) 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 ~~(b)(6) and subsection (b)(14) of this Section (f)~~. The instructions must not be visible through the front of the copies when photocopied or faxed.

~~BOARD NOTE: Subsection (b)(6)(G) corresponds with 40 CFR 262.21(f)(7) (2004), as amended at 70 Fed. Reg. 10776 (March 4, 2005). 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) to comport with Illinois Administrative Code codification requirements.~~

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.

7g) Use of approved manifests.

A1) 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 ~~(b)(1)-(c)~~ and ~~(b)(5)~~ (e) of this Section. A registered source may be any of the following:

~~1AA)~~ A state agency;

~~1AB)~~ A commercial printer;

~~1AC)~~ A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or

~~1AD)~~ A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

B2) 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.

8h) Manifest revisions.

A1) 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 ~~(b)(1)~~ (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 Solid Waste, 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.

B2) 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 Solid Waste, 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.

C3) 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 ~~(b)(5)~~ (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.

9i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (b)(5)-(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.

10j) 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 (b)(4)-(d) or (b)(8)-(c) (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.

11k) 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.

12l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (b)(5)-(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.

13m) Effects of non-compliance.

A1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:

iAA) 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

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

B2) 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.

14) ~~Required manifest instructions-~~

A) ~~Manifest Form 8700-22.~~

i) ~~The "Instructions for Generators" on Copy 6.~~

~~ii) The "Instructions for International Shipment Check" "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;~~

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

~~Subsections (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 normally correspond with subsections (b) (6) (G) (i) and (b) (6) (G) (ii) of this Section. The Board has amended 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 Sept. 5, 2006. Subsection (b) is derived from 40 CFR 262.21 (2004), effective Sept. 5, 2006.~~

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

Section 722.127 Waste Minimization Certification

~~Effective Sept. 5, 2006, a~~ 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

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

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

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

SUBPART C: PRE-TRANSPORT REQUIREMENTS

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.

~~1) Until Sept. 5, 2006, before~~ Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of ~~446~~450 liters (110 gallons) 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):

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

~~Generator's Name and Address _____~~

~~Manifest Document Number _____~~

~~2b) Effective Sept. 5, 2006, before~~ Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must mark each container of ~~450~~ liters (110 gallons) 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). HAZARDOUS WASTE -- Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

~~Generator's Name and Address _____~~

~~Generator's USEPA Identification Number _____~~

~~Manifest Tracking Number _____~~

~~BOARD NOTE: Subsection (b) (1) is derived from 49 CFR 262.32(b) (2004), effective until Sept. 5, 2006. Subsection (b) (2) is derived from 49 CFR 262.32(b) (2005), effective Sept. 5, 2006.~~

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

~~Section 722.133 Placarding~~

~~a) Until Sept. 5, 2006, before~~ Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must placard or offer the initial tra ~~rt~~ rter th ~~riate~~ riate placards according to ~~Tr~~ Tr ~~tions~~ tions for hazardous materials ~~at F~~ at F of 49 CFR 172 (Placarding), incorporated by reference in 35 Ill. Adm. Code 720.111(b). b) Effective Sept. 5, 2006, before Placarding

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

~~BOARD NOTE: Subsection (a) is derived from 40 CFR 262.33 (2004), effective until Sept. 5, 2006. Subsection (b) is derived from 40 CFR 262.33 (2005), effective Sept. 5, 2006.~~

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

Section 722.134 Accumulation Time

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 and with 35 Ill. Adm. Code 725.116 and 728.107(a)(5).

b) A generator that accumulates 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 and 725 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).

c) Accumulation near the point of generation.

1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 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) 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 721.133(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;
 - 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 and 725 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(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), 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 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.

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

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;

3) The waste is managed in the following types of units:

A) Containers, in accordance with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725 and 35 Ill. Adm. Code 724.275;

B) Tanks, in accordance with the requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except for Sections 725.297(c) and Section 725.300;

C) Drip pads, in accordance with Subpart W of 35 Ill. Adm. Code 725; or

D) Containment buildings, in accordance with Subpart DD of 35 Ill. Adm. Code 725;

4) The quantity of hazardous waste that is accumulated for extended time periods at the facility does not exceed 30,000 kg;

5) The generator maintains the following records at the facility for each unit used for extended accumulation times:

A) A written description of procedures to ensure that each waste volume remains in the unit for no more than 180 days (or 270 days, as applicable), a description of the waste generation and management practices at the facility showing that they are consistent with the extended accumulation time limit, and documentation that the procedures are complied with; or

B) Documentation that the unit is emptied at least once every 180 days (or 270 days, if applicable);

6) Each container or tank that is used for extended accumulation time periods is labeled or marked clearly with the words "Hazardous Waste," and for each container the date upon which each period of accumulation begins is clearly marked and visible for inspection;

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. 27922 (May 17, 2004)). USEPA confers membership in the program on application of interested and eligible entities. Information about the program is available from a website maintained by USEPA: www.epa.gov/performance-track.

k) If the Agency finds that hazardous wastes must remain on-site at a federal National Environmental Performance Track member facility for longer than the 180 days (or 270 days, if applicable) allowed under subsection (j) of this Section due to unforeseen, temporary, and uncontrollable circumstances, it must grant an extension to the extended accumulation time period of up to 30 days on a case-by-case basis by 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)].

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

m) ~~Effective Sept. 5, 2006,~~ 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 18c 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: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART E: EXPORTS OF HAZARDOUS WASTE

~~Section~~Section 722.158 International Agreements

a) Any person that exports or imports hazardous waste subject to either the manifest requirements of this Part or the universal waste management standards of 35 Ill. Adm. Code 733 which is shipped to or from designated member countries of the Organisation for Economic Co-operation and Development (OECD), as defined in subsection (a)(1) of this Section, 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, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, the Slovak Republic, South Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

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

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.

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

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section 722.160 Imports of Hazardous Waste

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(a) 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.

c) A person that imports hazardous waste must obtain the manifest form as provided in Section ~~722.121(a) or (b) (7)~~ 722.121.

d) ~~Effective Sept. 5, 2006, in-~~ 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) ~~Effective Sept. 5, 2006, the-~~ 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) (2) (C) ~~724.171(a) (3) or 725.171(a) (2) (C)~~ 725.171(a) (3), as appropriate.

(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

a) Applicability. Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subpart H. Hazardous wastes subject to amber-list controls are subject to the requirements of subsection (b) of this Section; hazardous wastes subject to red-list controls are subject to the requirements of subsection (c) of this Section; and wastes not identified on any list are subject to the requirements of subsection (d) of this Section.

b) Amber-list wastes. The export from the U.S. of hazardous waste, as described in Section 722.180(a), that is amber-list waste 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 the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of ~~Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)~~, Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, ~~401 M St., SW,~~ 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 (e) of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same USEPA hazardous waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

B) Tacit consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to subsection (b)(1)(A) of this Section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier 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 transfrontier 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) Shipments to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery.

A) The notifier must provide USEPA and the Agency the information identified in subsection (e) of this Section in English, at least 10 days in advance of commencing shipment to a pre-approved facility. The notification should

indicate that the recovery facility is pre-approved, 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 ~~Compliance, Enforcement Planning, Targeting and Data Division (2222A)~~, Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, ~~401 M St., SW.,~~ 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 -- Pre-approved Facility" prominently displayed on the envelope.

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

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

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

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

1) Serial number or other accepted identifier of the notification form;

2) Notifier name and USEPA identification number (if applicable), address, and telephone and telefax numbers;

3) Importing recovery facility name, address, telephone and telefax numbers, and technologies employed;

4) Consignee name (if not the owner or operator of the recovery facility), address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility; and identification of recovery operations to be employed at the final recovery facility;

5) Intended transporters or their agents;

6) Country of export and relevant competent authority and point of departure;

7) Countries of transit and relevant competent authorities and points of entry and departure;

8) Country of import and relevant competent authority and point of entry;

9) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;

10) Date foreseen for commencement of transfrontier movement;

11) Designation of waste types from the appropriate list (e.g., amber-list waste or red-list waste and waste list code), descriptions of each waste type, estimated total quantity of each, USEPA hazardous waste code, and United Nations number for each waste type; and

12) Certification/Declaration signed by the notifier 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 transfrontier movement.

Name: _____ Signature: _____

_____ Date: _____"

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

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

Section 722.184 Tracking Document

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

"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;"

"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."

(delete sentences that are not applicable)

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

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

c) Notifiers also must comply with the special manifest requirements of Section 722.154(a), (b), (c), (e), and (i) and consignees 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 tracking document (e.g., transporter, consignee, 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 tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of ~~Compliance, Enforcement Planning, Targeting and Data Division (2222A)~~, Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, ~~401 M St., SW,~~ 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

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

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 ~~Compliance, Enforcement-Planning, Targeting and Data Division (2222A), Federal Activities~~ Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, ~~401 M St., SW,~~ 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 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:
 - 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;

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 _____)
~~ILLINOIS REGISTER~~

JCAR350722-0805174r01

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Document comparison done by DeltaView on Thursday, April 03, 2008 2:58:28 PM

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<u>Insertion</u>	
Deletion	
Moved from	
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Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
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Padding cell	

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