

EXEMPT

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1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 723
7 STANDARDS APPLICABLE TO
8 TRANSPORTERS OF HAZARDOUS WASTE
9

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12 Section
13 723.110 Scope
14 723.111 USEPA Identification Number
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26 SUBPART C: HAZARDOUS WASTE DISCHARGES
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32 AUTHORITY: Implementing Section 7.2 and 22.4 and authorized by Section 27 of the
33 Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].
34

35 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
36 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg.
37 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2,
38 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at
39 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945,
40 effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective
41 December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17965, effective September
42 28, 1998; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3180, effective February 23, 2006;

43 amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 881, effective December 20, 2006; amended
44 in R07-5/R07-14 at 32 Ill. Reg. _____, effective _____.

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46 SUBPART B: COMPLIANCE WITH THE MANIFEST
47 SYSTEM AND RECORDKEEPING
48

49 **Section 723.120 The Manifest System**

50
51 a) No acceptance without a manifest.

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53 1) ~~The following manifest requirements apply until September 5, 2006:~~

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55 A) ~~A transporter may not accept hazardous waste from a generator~~
56 ~~unless it is accompanied by a manifest signed in accordance with~~
57 ~~the provisions of 35 Ill. Adm. Code 722.120. In the case of~~
58 ~~exports other than those subject to Subpart H of 35 Ill. Adm. Code~~
59 ~~722, a transporter may not accept such waste from a primary~~
60 ~~exporter or other person:~~

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62 i) ~~If the transporter knows the shipment does not conform~~
63 ~~with the USEPA Acknowledgement of Consent (as defined~~
64 ~~in 35 Ill. Adm. Code 722.151); and~~

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66 ii) ~~Unless, in addition to a manifest signed in accordance with~~
67 ~~35 Ill. Adm. Code 722.120, the waste is also accompanied~~
68 ~~by a USEPA Acknowledgement of Consent that, except for~~
69 ~~shipment by rail, is attached to the manifest (or shipping~~
70 ~~paper for exports by water (bulk shipment)).~~

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72 B) ~~For exports of hazardous waste subject to Subpart H of 35 Ill.~~
73 ~~Adm. Code 722, a transporter may not accept hazardous waste~~
74 ~~without a tracking document that includes all information required~~
75 ~~by 35 Ill. Adm. Code 722.184.~~

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77 2) ~~The following manifest requirements apply effective September 5, 2006:~~

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79 1A) Manifest requirement. A transporter may not accept hazardous waste
80 from a generator unless the transporter is also provided with a manifest
81 signed in accordance with the provisions of 35 Ill. Adm. Code 723.123.

82
83 2B) Exports.
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85 Ai) In the case of exports other than those subject to Subpart H of 35
86 Ill. Adm. Code 722, a transporter may not accept such waste from
87 a primary exporter or other person if the transporter knows that the
88 shipment does not conform to the USEPA Acknowledgement of
89 Consent; and unless, in addition to a manifest signed by the
90 generator as provided in this Section, the transporter must also be
91 provided with a USEPA Acknowledgement of Consent that,
92 except for shipment by rail, is attached to the manifest (or shipping
93 paper for exports by water (bulk shipment)).

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95 Bii) For exports of hazardous waste subject to Subpart H of 35 Ill.
96 Adm. Code 722, a transporter may not accept hazardous waste
97 without a tracking document that includes all information required
98 by 35 Ill. Adm. Code 722.184.

100 ~~BOARD NOTE: Subsection (a)(1) corresponds with 40 CFR 263.20(a)(2),~~
101 ~~effective until September 5, 2006. Subsection (a)(2) corresponds with 40 CFR~~
102 ~~263.20(a) (2005), effective September 5, 2006. The Board omitted 40 CFR~~
103 ~~263.20(a)(3) (2005), since that provision merely stated the September 5, 2006~~
104 ~~effective date for the newer manifest requirements.~~

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106 b) Before transporting the hazardous waste, the transporter must sign and date the
107 manifest acknowledging acceptance of the hazardous waste from the generator.
108 The transporter must return a signed copy to the generator before leaving the
109 generator's property.

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111 c) The transporter must ensure that the manifest accompanies the hazardous waste.
112 In the case of exports, the transporter must ensure that a copy of the USEPA
113 Acknowledgement of Consent also accompanies the hazardous waste.

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115 d) A transporter that delivers a hazardous waste to another transporter or to the
116 designated facility must do the following:

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118 1) It must obtain the date of delivery and the handwritten signature of that
119 transporter or of the owner or operator of the designated facility on the
120 manifest;

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122 2) It must retain one copy of the manifest in accordance with Section
123 723.122; and

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125 3) It must give the remaining copies of the manifest to the accepting
126 transporter or designated facility.

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- e) Subsections (c), (d), and (f) do not apply to water (bulk shipment) transporters if all of the following are true:
 - 1) The hazardous waste is delivered by water (bulk shipment) to the designated facility;
 - 2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste;
 - 3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator designated facility on either the manifest or the shipping paper;
 - 4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and
 - 5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 723.122.

- f) For shipments involving rail transportation, the following requirements apply instead of subsections (c), (d), and (e), which do not apply:
 - 1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must do the following:
 - A) It must sign and date the manifest acknowledging acceptance of the hazardous waste;
 - B) It must return a signed copy of the manifest to the non-rail transporter;
 - C) It must forward at least three copies of the manifest to the following entities:
 - i) The next non-rail transporter, if any;
 - ii) The designated facility, if the shipment is delivered to that facility by rail; or

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- iii) The last rail transporter designated to handle the waste in the United States;
- D) It must retain one copy of the manifest and rail shipping paper in accordance with Section 723.122.
- 2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste at all times.

BOARD NOTE: Intermediate rail transporters are not required to sign either the manifest or shipping paper.
- 3) When delivering hazardous waste to the designated facility, a rail transporter must do the following:
 - A) It must obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and
 - B) It must retain a copy of the manifest or signed shipping paper in accordance with Section 723.122.
- 4) When delivering hazardous waste to a non-rail transporter a rail transporter must do the following:
 - A) It must obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and
 - B) It must retain a copy of the manifest in accordance with Section 723.122.
- 5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.
- g) Transporters that transport hazardous waste out of the United States must do the following:
 - 4) ~~Until September 5, 2006:~~

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- A) Indicate on the manifest the date the hazardous waste left the United States;
- B) Sign the manifest and retain one copy in accordance with Section 723.122(e);
- C) Return a signed copy of the manifest to the generator; and
- D) Give a copy of the manifest to a United States Customs official at the point of departure from the United States.

2) Effective September 5, 2006:

- 1A) Sign and date the manifest in the International Shipments block to indicate the date that the hazardous waste left the United States;
- 2B) Retain one copy in accordance with Section 723.122(d);
- 3C) Return a signed copy of the manifest to the generator; and
- 4D) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

~~BOARD NOTE: Subsections (g)(1)(A) through (g)(1)(B) correspond with 40 CFR 263.20(g) (2)(4). Subsections (g)(2)(A) through (g)(2)(C) correspond with 40 CFR 263.20(g) (2)(5). The Board added subsections (g)(1) and (g)(2), reciting the effective dates, based on 40 CFR 263.20(a)(3) (2005).~~

- h) A transporter transporting hazardous waste from a generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month need not comply with this Section or Section 723.122 provided that:
 - 1) The waste is being transported pursuant to a reclamation agreement provided for in 35 Ill. Adm. Code 722.120(e);
 - 2) The transporter records, on a log or shipping paper, the following information for each shipment:
 - A) The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.112) of the generator of the waste;
 - B) The quantity of waste accepted;

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258 C) All shipping information required by the United States Department
259 of Transportation;
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261 D) The date the waste is accepted; and
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263 3) The transporter carries this record when transporting waste to the
264 reclamation facility; and
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266 4) The transporter retains these records for a period of at least three years after
267 termination or expiration of the agreement.
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269 (Source: Amended at 32 Ill. Reg. _____, effective _____)
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271 **Section 723.121 Compliance with the Manifest**
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- 273 a) The transporter must deliver the entire quantity of hazardous waste which he has
274 accepted from a generator or a transporter to:
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276 1) The designated facility listed on the manifest; or
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278 2) The alternate designated facility, if the hazardous waste cannot be
279 delivered to the designated facility because an emergency prevents
280 delivery; or
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282 3) The next designated transporter; or
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284 4) The place outside the United States designated by the generator.
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286 b) Non-delivery of the hazardous waste.
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288 ~~1) Until September 5, 2006, if the hazardous waste cannot be delivered in~~
289 ~~accordance with subsection (a) of this Section, the transporter must~~
290 ~~contact the generator for further direction, and must revise the manifest~~
291 ~~according to the generator's instructions.~~
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293 ~~2) Effective September 5, 2006.~~
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295 1A) If the hazardous waste cannot be delivered in accordance with subsection
296 (a) of this Section because of an emergency condition other than rejection
297 of the waste by the designated facility, then the transporter must contact
298 the generator for further directions and must revise the manifest according
299 to the generator's instructions.

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2B) If hazardous waste is rejected by the designated facility while the transporter is on the premises of the designated facility, then the transporter must obtain the following, as appropriate:

Ai) For a partial load rejection or for regulated quantities of container residues: a copy of the original manifest that includes the facility's date and signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with Section 723.122 and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6) ~~724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F) or 35 Ill. Adm. Code 724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F).~~

Bii) For a full load rejection that will be taken back by the transporter: a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and USEPA identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with Section 723.122, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) 724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6) ~~35 Ill. Adm. Code 724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F).~~

341 ~~BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 263.21(b) (2004),~~
342 ~~effective until September 5, 2006. Subsection (b)(2) is derived from 40 CFR~~
343 ~~263.21(b) (2005), effective September 5, 2006.~~

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