

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 22 2009

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO THE)
BOARD'S SPECIAL WASTE)
REGULATIONS CONCERNING)
USED OIL, 35 ILL. ADM. CODE 808, 809)

R06-20
(Rulemaking -Land)

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

PC#111

NOTICE OF FILING

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PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: Stephanie Flowers
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DATE: 10-20-09
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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USED OIL, 35 ILL. ADM. CODE 808, 809)

**COMMENTS OF THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through one of its attorneys, Stephanie Flowers, and respectfully submits the following comments regarding the second first notice proposal of the Illinois Pollution Control Board (“Board”) published in the Illinois Register on September 11, 2009. *See*, 33 Ill. Reg. 12426, 12439, and 12446. The Illinois EPA would like to recognize and thank the Board for its time and effort in this rulemaking to balance the used oil industry’s concern for reduced paperwork and records costs with the Illinois EPA’s concern for safe and proper management and tracking of used oil and other special waste mixtures.

As with the Board’s first first notice proposal, the Board’s second first notice proposal exempts used oil as defined and managed in accordance with 35 Ill. Adm. Code 739 (“Part 739”) from the manifesting requirements for special waste set forth in 35 Ill. Adm. Code 808 and 809 (“Parts 808 and 809”). However, now with its second first notice proposal, the Board has also chosen to exempt certain mixtures of used oil and other waste from the manifest requirements. The Illinois EPA has always supported the manifest exemption for used oil but has continuously expressed its concern over extending the exemption to mixtures of used oil and other wastes.

As the best solution, the Illinois EPA still supports the exemption language proposed by the Board in its first first notice proposal. The exemption language of the first first notice proposal is a simpler exemption that is less complicated for the generator, encourages the separation of other wastes for proper recycling, and provides the best information to the transporter and receiving facility for safe and proper management of used oil. However, if the Board elects to adopt the regulatory exemption language contained in the second first notice proposal, the Illinois EPA would suggest some modifications to the Board's second first notice language to ensure that the used oil regulations are clear and enforceable and also to ensure proper information is available to safely manage the waste and to encourage segregation and separate recycling of non-used oil waste streams whenever possible.

The changes to the Board's second first notice are discussed below and are highlighted in the attached Parts 739, 808, and 809.

1. Sections 808.121(b)(6)(B)(i); 809.301(b)(2)(i); and 809.302(a)(2)(B)(i)

For mixtures of used oil and characteristic hazardous waste the Illinois EPA believes the Board's proposed wording may allow waste subject to regulation under RCRA and manifesting under 35 Ill. Adm. Code 723 to be exempt from manifests.

The proposed language at Sections 808.121(b)(6)(B)(i), 809.301(b)(2)(i) and 809.302(a)(2)(B)(i) allows a manifest exemption for "mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, where the characteristic has been extinguished."

Section 739.110(b)(2)(b) only allows a mixture of characteristic hazardous waste and used oil to be managed as used oil if the "resultant mixture does not exhibit any characteristic of a

hazardous waste identified under Subpart C of 35 Ill. Adm. Code 721.” Therefore if the hazardous characteristic was contributed to the mixture by the used oil and if the resulting mixture exhibited a hazardous characteristic, it must be managed as hazardous waste.

The Illinois EPA believes the language for the manifest exemption should be clarified to ensure that it is consistent with the RCRA requirements. The Illinois EPA proposes that the wording of Sections 808.121(b)(6)(B)(i), 809.301(b)(2)(i) and 809.302(a)(2)(B)(i) be changed to:

the characteristic of hazardous waste has been extinguished in the resultant mixture;

2. Sections 808.121(b)(6)(A) and (B)(iii); 809.301(b)(1) and (2)(iii); and 809.302(a)(2)(A) and (B)(iii).

The proposed language at Sections 808.121(b)(6)(A) and (B)(iii); 809.301(b)(1) and (2)(iii); and 809.302(a)(2)(A) and (B)(iii) allows a manifest exemption to mixtures of used oil and small quantity hazardous waste and mixtures of used oil and characteristic hazardous waste provided that the resulting mixture contains more than fifty percent used oil by volume or weight.

The fifty percent was selected by NORA to address the Illinois EPA’s concerns that a mixture of used oil and other waste may not behave like used oil and that the other waste should be recycled separately instead of being burned or treated at a wastewater treatment plant. The concern of the Illinois EPA is dependent upon the type of other wastes mixed with the used oil, but obviously approaches zero as the used oil content approaches one hundred percent.

Although the Illinois EPA believes that the Board attempted to limit the exemption for mixtures of used oil and other wastes to mixtures that would behave like used oil and be authorized for management under Part 739, the Illinois EPA has found no supporting information by either

NORA or the Board for selecting a fifty percent cut off and the Illinois EPA believes a fifty percent mixture could still present a concern. Therefore, the Illinois EPA recommends that the percentage of oil required to meet this exemption be increased to at least seventy five percent. This would make it more likely that the resultant mixture of used oil and other waste would behave like used oil and that large quantities of other wastes would be recycled separately instead of being mixed into the used oil for burning or treatment at a wastewater treatment plant.

The Illinois EPA proposes that the wording of Sections 808.121(b)(6)(A), 809.301(b)(1), and 809.302(a)(2)(A) be changed to:

Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by conditionally exempt small quantity generator of hazardous waste, provided that such mixture contains more than seventy five percent used oil by either volume or weight;

And the wording of Sections 808.121(b)(6)(B)(iii), 809.301(b)(2)(iii), and 809.302(a)(2)(B)(iii) be changed to:

the mixture contains more than seventy five percent used oil by either volume or weight.

3. Section 809.501(a)(2)

In its second first notice the Board proposes a generator certification in Part 739. The Illinois EPA recommends that the Board also incorporate a generator certification at Section 809.501(a)(2) that the used oil mixture meets the criteria for the manifest exemption. The Illinois EPA requests that the Board use language that is similar to the requirements found in Section 22.48 of the Illinois Environmental Protection Act to certify non-special waste. The Illinois EPA believes this language is needed to require generators to provide documentation to

support their decision that the waste meets the manifest exemption and most generators are already familiar with this type of certification.

Therefore, the Illinois EPA believes the language at Section 809.501(a)(2) should be changed to the following:

- 2) A used oil mixture must be transported under manifest unless the generator first certifies in a signed, dated, written statement that the used oil mixture is an exempt mixture listed in 35 Ill. Adm. Code 808.121(b)(6). The certification must comply with the following:
 - A) All information used to determine that the used oil mixture is not subject to manifest shall be attached to the certification. The information shall include but not be limited to:
 - i) the means by which the generator has determined that the used oil mixture is subject to regulation under 35 Ill. Adm. Code 739;
 - ii) the means by which the generator has determined the percentage of used oil in the mixture and the Btu value;
 - iii) if the used oil mixture undergoes testing, the analytic results obtained from testing, signed and dated by the person responsible for completing the analysis;
 - iv) if the used oil mixture does not undergo testing, an explanation as to why no testing is needed;
 - v) a description of the process generating the used oil mixture; and
 - vi) relevant Material Data Safety Sheets.
 - B) Certification made pursuant to this Section shall be effective from the date signed until there is a change in the generator, in the wastes or materials used in the mixture, or in the process generating the used oil mixture.
 - C) Certification made pursuant to this Section, with the requisite attachments, shall be maintained by the certifying generator while effective and for at least 3 years following a change in the generator, a change in the wastes or materials used in the mixture, or a change in or termination of the process generating the used oil mixture. The generator shall provide a copy of the certification, upon request by the Agency, the hauler of the used oil mixture, or the operator of the facility receiving the used oil mixture for storage, treatment, or disposal, to the party requesting the copy. If the Agency believes that the used oil mixture that is the subject of the certification has been inaccurately certified to, the Agency may require the generator to analytically test the used oil mixture for the parameter of concern and provide the Agency with a copy of the analytic results

- D) A person who knowingly and falsely certifies that a used oil mixture is not subject to manifesting requirements is subject to the penalties set forth in subsection (h) of Section 44 of this Act.

4. Sections 808.110 and 809.103

The Board's second first notice proposal contains terms that are not defined. Since, the term wastewater as addressed in 35 Ill. Adm. Code 739.110(f) does not define the term as it is used in this exemption, the Illinois EPA suggests that the following definition of "wastewater" found in 35 Ill. Adm. Code 728.102 be included in the definitions at Sections 808.110 and 809.103:

"Wastewater" means waste that contains less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).

The Illinois EPA believes the term "Btu" should also be defined. The Illinois EPA suggests that the following definition be included in the definitions at Sections 808.110 and 809.103:

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

5. Section 739.100

The term "classification" is used throughout the Boards proposal in Part 739 but is not defined. As used, it appears that classification is used to distinguish hazardous waste, used oil, a used oil mixture, or other special waste and therefore the Illinois EPA suggests that the following definition of "classification" be included in the definitions at Section 739.100:

"Classification", as used in this Part, means a short description of the waste generating activity and designation as either hazardous waste with the appropriate hazardous waste code, non hazardous used oil, nonhazardous used oil mixture, or nonhazardous other special waste.

6. Sections 808.121(b)(6)(B), 809.301(b)(2), and 809.302(a)(2)(B)

The Illinois EPA suggests a clarification in Sections 808.121(b)(6)(B), 809.301(b)(2), and 809.302(a)(2)(B) that the 5,000 Btu per pound limit applies to the mixture's other waste as generated and prior to its mixture with the used oil. The Illinois EPA also suggests a correction to a typo in Sections 808.121(b)(6)(B), 809.301(b)(2), and 809.302(a)(2)(B) by replacing the word "then" with "than". The Illinois EPA believes the language at Sections 808.121(b)(6)(B), 809.301(b)(2), and 809.302(a)(2)(B) should be changed to the following:

Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000 prior to being mixed with the used oil, where:

7. Sections 808.121(b)(6), 809.301(b), and 809.302(a)(2)

The Illinois EPA suggests that the certification requirements of Section 809.501(a)(2) be referenced in Sections 808.121(b)(6), 809.301(b), and 809.302(a)(2) as part of the generator's compliance with the manifest exemption. The Illinois EPA also suggests that the word "materials" be replaced with the more accurate term "used oil mixtures". The Illinois EPA believes the language at Sections 808.121(b)(6), 809.301(b), and 809.302(a)(2) should be changed to the following:

The generator is not required to complete a manifest for the following used oil mixtures, provided that the generator complies with the certification requirements of 35 Ill. Adm. Code 809.501(a)(2) and the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):

8. Sections 809.301(b)(2)(ii) and 809.302(a)(2)(B)(ii)

The Illinois EPA suggests that a typo be corrected at Sections 809.301(b)(2)(ii) and 809.302(a)(2)(B)(ii) by removing the duplicate word "where" so that Sections 809.301(b)(2)(ii) and 809.302(a)(2)(B)(ii) read as follows:

both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and

Finally, the Illinois EPA has some concerns with the comments already submitted to the Board regarding the Board's second first notice proposal. First, on page one of the comments of NORA, it's stated, "the original proposal, if adopted would have placed Illinois regulations in line with the federal used oil management standards." The Illinois EPA would like to respond that Illinois regulations are currently in line with federal regulations as the federal regulations expressly allow states to impose requirements that are more stringent than the federal regulations. Second, the comments of Heritage-Crystal Clean, Inc., say that the Board's proposed amendments would, "allow shipping papers for used oil, in lieu of hazardous waste manifests." The Illinois EPA would like to respond that the Board's proposed amendments would not allow the use of a shipping paper where a hazardous waste manifest is required by the regulations. The exemption from manifesting for used oil and certain used oil mixtures would be limited to an exemption from non-hazardous special waste manifests. Third, the comments of Future Environmental Inc., say "the proposed amendments will hopefully help level the playing field by more clearly identifying what is and what is not considered to be handled as "used oil" in Illinois and reducing the burden on businesses with facilities in Illinois. Hopefully, the agency will not attempt to regulate used oil or the four categories of manifest-exempt mixtures under any additional regulation." This comment is of particular concern because it implies a belief by the regulated community that the Board has altered the definition of used oil within their proposed language. Therefore, the Illinois EPA would like to respond and requests that the Board clarify that the proposed amendments do not alter the definition of used oil found in Part 739 or the regulatory status of mixtures of used oil and other special waste; that the proposed

amendments only offer a manifest exemption for used oil and mixtures of used oil and other waste that are managed in accordance with the proposed amendments; and that mixtures of used oil and other special waste may be subject to other special waste regulations in addition to the used oil requirements in Part 739.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739
STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100 Definitions

SUBPART B: APPLICABILITY

Section
739.110 Applicability
739.111 Used Oil Specifications
739.112 Prohibitions
739.113 Electronic Reporting

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120 Applicability
739.121 Hazardous Waste Mixing
739.122 Used Oil Storage
739.123 On-Site Burning in Space Heaters
739.124 Off-Site Shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND
AGGREGATION POINTS

Section
739.130 Do-It-Yourselfer Used Oil Collection Centers
739.131 Used Oil Collection Centers
739.132 Used Oil Aggregate Points Owned by the Generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND
TRANSFER FACILITIES

Section
739.140 Applicability
739.141 Restrictions on Transporters that Are Not Also Processors
739.142 Notification
739.143 Used Oil Transportation
739.144 Rebuttable Presumption for Used Oil
739.145 Used Oil Storage at Transfer Facilities
739.146 Tracking
739.147 Management of Residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section	
739.150	Applicability
739.151	Notification
739.152	General Facility Standards
739.153	Rebuttable Presumption for Used Oil
739.154	Used Oil Management
739.155	Analysis Plan
739.156	Tracking
739.157	Operating Record and Reporting
739.158	Off-Site Shipments of Used Oil
739.159	Management of Residues

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section	
739.160	Applicability
739.161	Restriction on Burning
739.162	Notification
739.163	Rebuttable Presumption for Used Oil
739.164	Used Oil Storage
739.165	Tracking
739.166	Notices
739.167	Management of Residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section	
739.170	Applicability
739.171	Prohibitions
739.172	On-Specification Used Oil Fuel
739.173	Notification
739.174	Tracking
739.175	Notices

SUBPART I: DISPOSAL OF USED OIL

Section	
739.180	Applicability
739.181	Disposal
739.182	Use As a Dust Suppressant

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 R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616,

effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008; amended in R06-20 at 33 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

'Classification', as used in this Part, means a short description of the waste generating activity and designation as either hazardous waste with the appropriate hazardous waste code, nonhazardous used oil, nonhazardous used oil mixture, or nonhazardous other special waste.

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.146 Tracking

- a) Acceptance. A used oil transporter must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the following:
 - 1) The name and address of the generator, transporter, or processor that provided the used oil for transport;
 - 2) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor that provided the used oil for transport;
 - 3) The quantity of used oil accepted;
 - 4) The date of acceptance; and
 - 5) The signature.
 - A) Except as provided in subsection (a)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner that provided

the used oil for transport.

- B) An intermediate rail transporter is not required to sign the record of acceptance.
- 6) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:
- A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- b) Deliveries. A used oil transporter must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include the following:
- 1) The name and address of the receiving facility or transporter;
 - 2) The USEPA identification number and Illinois special waste identification number of the receiving facility or transporter;
 - 3) The quantity of used oil delivered;
 - 4) The date of delivery;
 - 5) The signature.

- A) Except as provided in subsection (b)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
- B) An intermediate rail transporter is not required to sign the record of acceptance.
- c) Exports of used oil. A used oil transporter must maintain the records described in subsections (b)(1) through (b)(4) of this Section for each shipment of used oil exported to any foreign country.
- d) Record retention. The records described in subsections (a), (b), and (c) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.156 Tracking

- a) Acceptance. A used oil processor must keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter that delivered the used oil to the processor;
 - 2) The name and address of the generator or processor from whom the used oil was sent for processing;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the processor;
 - 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
 - 5) The quantity of used oil accepted; and
 - 6) The date of acceptance.
 - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:

- A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- b) Deliveries. A used oil processor must keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:
- 1) The name and address of the transporter that delivers the used oil to the burner, processor, or disposal facility;
 - 2) The name and address of the burner, processor, or disposal facility that will receive the used oil;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner, processor or disposal facility;
 - 4) The USEPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility that will receive the used oil;
 - 5) The quantity of used oil shipped;
 - 6) The date of shipment.

- 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:
- A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- c) Record retention. The records described in subsections (a) and (b) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.165 Tracking

- a) Acceptance. A used oil burner must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter that delivered the used oil to the burner;

- 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the burner;
 - 4) The USEPA identification number and Illinois special waste identification number of the generator or processor from whom the used oil was sent to the burner;
 - 5) The quantity of used oil accepted; and
 - 6) The date of acceptance.
 - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- b) Record retention. The records described in subsection (a) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.174 Tracking

- a) Off-specification used oil delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
- 1) The name and address of the transporter that delivers the used oil to the burner;
 - 2) The name and address of the burner that will receive the used oil;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;
 - 4) The USEPA identification number and Illinois special waste identification number of the burner;
 - 5) The quantity of used oil shipped; and
 - 6) The date of shipment.
 - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste

minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.”

- b) On-specification used oil delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:
- 1) The name and address of the facility receiving the shipment;
 - 2) The quantity of used oil fuel delivered;
 - 3) The date of shipment or delivery; and
 - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).
- c) Record retention. The records described in subsections (a) and (b) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 808
SPECIAL WASTE CLASSIFICATIONS

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AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27].

SOURCE: Adopted in R89-13A at 14 Ill. Reg. 14043, effective August 15, 1990; amended in R98-29 at 23 Ill. Reg. 6875, effective July 1, 1999; amended in R06-20 at 33 Ill. Reg. ____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 808.110 Definitions

“Btu’ or ‘British thermal unit’ means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.”

“Wastewater’ means waste that contains less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).

Section 808.121 Generator Obligations

- a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

- b) No person shall deliver special waste to a transporter unless the waste is accompanied by a manifest as specified in Section 808.122, and the transporter has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The following are exceptions to this prohibition:

- 1) The person is subject to the small quantity generator exemption of Section 808.123.
- 2) The transporter and waste are subject to a transporter exemption under 35 Ill. Adm. Code 809.211.
- 3) The Agency has determined pursuant to this Part that the waste is not a special waste.
- 4) The waste consists of municipal water or wastewater treatment plant sludge regulated under a sludge management plan approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.
- 5) The generator is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
- 6) The generator is not required to complete a manifest for the following used oil mixtures materials, provided that the generator complies with the certification requirements in 35 Ill. Adm. Code 809.501(a)(2) and the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - (A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by conditionally exempt small quantity generator of hazardous waste, provided that such mixture contains more than seventy five percent ~~fifty percent~~ used oil by either volume or weight;
 - (B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater ~~than~~ than 5,000 prior to being mixed with the used oil, where:
 - i) the characteristic of hazardous waste has been extinguished in the resultant mixture ~~the characteristic of the hazardous waste has been extinguished~~;
 - ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
 - iii) the mixture contains more than seventy five percent ~~fifty percent~~ used oil by either volume or weight.
 - (C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

- D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, where the used oil and the nonhazardous wastewater are generated by the same generator, and where the mixture results from use or unintentional contamination.
- c) *No person shall cause, threaten or allow the treatment, storage or disposal of special waste in Illinois except:*
 - 1) *At a facility permitted or otherwise authorized to manage the special waste pursuant to 35 Ill. Adm. Code 703 or 807 [415 ILCS 5/21(d) and (e)] ; or*
 - 2) *At a facility owned and operated by such person and subject to the on-site disposal exemption of Section 21(d) of the Act [415 ILCS 5/21(d)] .*
- d) No person shall deliver special waste to a transporter or a permitted facility without a supplemental wastestream permit.
- e) No person shall deliver to a transporter or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

(Source: Amended at 33 Ill. Reg. ____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809
 NONHAZARDOUS SPECIAL WASTE HAULING AND THE UNIFORM PROGRAM

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809.102	Severability
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Section

- 809.201 Nonhazardous Special Waste Hauling Permits-General
- 809.202 Applications for Nonhazardous Special Waste Hauling Permit-Contents
- 809.203 Applications for Nonhazardous Special Waste Hauling Permit-Signatures and Authorization
- 809.204 Applications for Nonhazardous Special Waste Hauling Permit-Filing and Final Action by the Agency
- 809.205 Nonhazardous Special Waste Hauling Permit Conditions
- 809.206 Nonhazardous Special Waste Hauling Permit Revision
- 809.207 Transfer of Nonhazardous Special Waste Hauling Permits
- 809.208 Nonhazardous Special Waste Hauling Permit Revocation
- 809.209 Permit No Defense
- 809.210 General Exemption from Nonhazardous Special Waste Hauling Permit Requirements
- 809.211 Exemptions for Nonhazardous Special Waste Transporters
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SUBPART C: DELIVERY AND ACCEPTANCE

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

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

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

SUBPART E: MANIFESTS, RECORDS AND REPORTING

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

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

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

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- Section
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809.801	Compliance Date
809.802	Exceptions (Repealed)

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Section	
809.901	Definitions (Repealed)
809.902	Disposal Methods (Repealed)
809.903	Rendering Innocuous by Sterilization (Repealed)
809.904	Rendering Innocuous by Incineration (Repealed)
809.905	Recordkeeping Requirements for Generators (Repealed)
809.906	Defense to Enforcement Action (Repealed)

SUBPART J: UNIFORM PROGRAM

Section	
809.910	Uniform State Hazardous Waste Transportation Registration and Permit Program
809.911	Application for a Uniform Permit
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809.913	Payment of Processing and Audit Fees
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809.920	Audits and Uniform Registration and Uniform Permit Revocation
809.921	Permit No Defense

809.APPENDIX A Old Rule Numbers Referenced (Repealed)

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

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

amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 809.103 Definitions

“Btu’ or ‘British thermal unit’ means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.”

“Wastewater’ means waste that contains less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).

SUBPART C: DELIVERY AND ACCEPTANCE

Section 809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters

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

- a) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
- b) The generator or transporter is not required to complete a manifest for the following used oil mixtures~~materials~~, provided that the generator complies with the certification requirements in 35 Ill. Adm. Code 809.501(a)(2) and the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - 1) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by conditionally exempt small quantity generator of hazardous waste, provided that such mixture contains more than seventy five percent ~~fifty percent~~ used oil by either volume or weight;
 - 2) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater ~~than~~ than 5,000 ~~prior to being mixed with the used oil,~~

where:

- i) ~~the characteristic of hazardous waste has been extinguished in the resultant mixture~~ the characteristic of the hazardous waste has been extinguished;
 - ii) ~~where both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and~~
 - iii) ~~where the mixture contains more than seventy five percent~~ fifty percent used oil by either volume or weight.
- 3) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
 - 4) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, where the used oil and the nonhazardous wastewater are generated by the same generator, and where the mixture results from use or unintentional contamination.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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

- a) No person may accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter unless the special waste transporter has a valid nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or J of this Part and concurrently presents to the receiver of the special waste, or the receiver's agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste. The following are exceptions to this requirement:
 - 1) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
 - 2) The generator or transporter is not required to complete a manifest for the following used oil mixtures~~materials~~, provided that the generator or transporter complies with the certification requirements in 35 Ill. Adm. Code 809.501(a)(2) and the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - A) Mixtures of used oil as defined by and managed in accordance

with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by conditionally exempt small quantity generator of hazardous waste, provided that such mixture contains more than seventy five percent ~~fifty percent~~ used oil by either volume or weight;

B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater ~~than~~then 5,000 prior to being mixed with the used oil, where:

i) the characteristic of hazardous waste has been extinguished in the resultant mixture~~the characteristic of the hazardous waste has been extinguished;~~

ii) ~~where both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and~~

iii) ~~where the mixture contains more than~~ seventy five percent ~~fifty percent~~ used oil by either volume or weight;

C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, where the used oil and the nonhazardous wastewater are generated by the same generator, and where the mixture results from use or unintentional contamination.

b) No person may deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART E: MANIFESTS, RECORDS AND REPORTING

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

a) Any person who delivers special waste to a permitted nonhazardous special or

hazardous waste transporter shall complete a uniform hazardous waste manifest to accompany the special waste from delivery to the destination of the special waste. The manifest form will be provided or prescribed by the Agency. The following are exceptions to this requirement:

- 1) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
- 2) A used oil mixture must be transported under manifest unless the generator first certifies in a signed, dated, written statement that the used oil mixture is an exempt mixture listed in 35 Ill. Adm. Code 808.121(b)(6). The certification must comply with the following:
 - A) All information used to determine that the used oil mixture is not subject to manifest shall be attached to the certification. The information shall include but not be limited to:
 - i) the means by which the generator has determined that the used oil mixture is subject to regulation under 35 Ill. Adm. Code 739;
 - ii) the means by which the generator has determined the percentage of used oil in the mixture and the Btu value;
 - iii) if the used oil mixture undergoes testing, the analytic results obtained from testing, signed and dated by the person responsible for completing the analysis;
 - iv) if the used oil mixture does not undergo testing, an explanation as to why no testing is needed;
 - v) a description of the process generating the used oil mixture; and,
 - vi) relevant Material Data Safety Sheets.
 - B) Certification made pursuant to this Section shall be effective from the date signed until there is a change in the generator, in the wastes or materials used in the mixture, or in the process generating the used oil mixture.
 - C) Certification made pursuant to this Section, with the requisite attachments, shall be maintained by the certifying generator while effective and for at least 3 years following a change in the generator, a change in the wastes or materials used in the mixture,

or a change in or termination of the process generating the used oil mixture. The generator shall provide a copy of the certification, upon request by the Agency, the hauler of the used oil mixture, or the operator of the facility receiving the used oil mixture for storage, treatment, or disposal, to the party requesting the copy. If the Agency believes that the used oil mixture that is the subject of the certification has been inaccurately certified to, the Agency may require the generator to analytically test the used oil mixture for the parameter of concern and provide the Agency with a copy of the analytic results

D) A person who knowingly and falsely certifies that a used oil mixture is not subject to manifesting requirements is subject to the penalties set forth in subsection (h) of Section 44 of this Act.

~~The generator or transporter is not required to complete a manifest for the following materials, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):~~

~~A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by conditionally exempt small quantity generator of hazardous waste, provided that such mixture contains more than fifty percent used oil by either volume or weight;~~

~~B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, where:~~

~~i) the characteristic has been extinguished;~~

~~ii) where both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and~~

~~iii) where the mixture contains more than fifty percent used oil by either volume or weight;~~

~~C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and~~

~~D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, where the used oil and the nonhazardous wastewater~~

~~are generated by the same generator, and where the mixture results from use or unintentional contamination.~~

- b) The transporter shall include in the manifest the following:
- 1) The name of the generator of the special waste and generator number;
 - 2) Information stating when and where the special waste was generated;
 - 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
 - 4) The name and permit number of the transporter;
 - 5) The date of delivery; and
 - 6) The classification and quantity of the special waste delivered to the transporter.
- c) Manifest copies to be sent to the Agency:
- 1) Every person who delivers RCRA hazardous waste or polychlorinated biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois manifest to the Agency within two days after the shipment. Every person who accepts RCRA hazardous waste or PCB waste from a transporter shall submit a copy of the Illinois manifest to the Agency within 30 days after receipt.
 - 2) A person who delivers RCRA hazardous waste or PCB wastes to a transporter on another state's manifest, such as where the destination state requires use of its manifest, does not have to submit manifest copies to the Agency.
 - 3) A person who delivers non-RCRA hazardous wastes or non-PCB wastes to a transporter does not have to send a copy of the manifest to the Agency. A person who accepts non-RCRA hazardous waste or non-PCB wastes from a transporter does not have to send a copy of the manifest to the Agency.
- d) The manifest will consist of at least four parts, in contrasting colors, such that an entry or signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste transporter, acknowledging the delivery. The top part of the manifest shall also be signed by the special waste transporter, acknowledging receipt of the special waste. The person who delivers special waste to a special waste transporter shall retain the designated parts of the

manifest as a record. The remaining parts of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

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

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

- h) Every generator who delivers nonhazardous special waste via a transporter to a facility located outside Illinois shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports shall, at a minimum, include the information specified in subsection (i) of this Section and should be received by the Agency no later than February 1.
- i) Every annual report required to be filed with the Agency by a generator for waste going out of state pursuant to subsection (h) of this Section shall include the following:
 - 1) The IEPA identification number, name and address of the generator;
 - 2) The period (calendar year) covered by the report;

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

- 6) A certification signed by the owner or operator of the facility or the owner's or operator's authorized representative.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY upon the persons to whom they are directed, by placing a copy of each in an envelope addressed to:

John Therriault, Acting Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Claire A. Manning
Brown, Hay & Stephens, LLP
700 First Mercantile Bank Building
205 South Fifth St., P.O. Box 2459
Springfield, Illinois 62705-2459

Matthew J. Dunn
Environmental Bureau Chief
Office of the Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

Tim Fox, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago, Illinois 60601

Mitchell Cohen, General Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Deirdre K. Hirner, Executive Director
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, Illinois 62701

and mailing it by First Class Mail from Springfield, Illinois on October ____, 2009 with sufficient postage affixed.

Meredith Kelly

SUBSCRIBED AND SWORN TO BEFORE ME
This 20th day of October, 2009.

Brenda Boehner
Notary Public

