

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
AMENDMENTS TO MANIFESTING ) R19-  
REQUIREMENTS: SPECIAL WASTE HAULING ) (Rulemaking - Land)  
35 ILL. ADM. CODE 809 )

**NOTICE OF FILING**

TO: See attached Certificate of Service.

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Illinois EPA's NOTICE OF FILING, APPEARANCE, STATEMENT OF REASONS, PROPOSED AMENDMENTS TO PART 809, MOTION FOR ACCEPTANCE, and CERTIFICATE OF SERVICE, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall  
Gabriel H. Neibergall  
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DATED: November 27, 2018

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**APPEARANCE**

The undersigned, as one of its attorneys, hereby enters an Appearance on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall  
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DATED: November 27, 2018

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**STATEMENT OF REASONS**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its counsel, and hereby submits this Statement of Reasons to the Illinois Pollution Control Board (“Board”) pursuant to Sections 13, 22, 27 and 28 of the Environmental Protection Act (“Act”) (415 ILCS 5/13, 22, 27 and 28) and 35 Ill. Adm. Code 102.202, in support of the attached proposed regulatory amendments.

**I. INTRODUCTION**

The United States Environmental Protection Agency’s (“USEPA”) recent implementation of its e-Manifest system—which was primarily designed for tracking hazardous waste—is negatively and unnecessarily affecting the transportation of state-regulated, non-hazardous special waste in Illinois. This is because Illinois regulations, specifically 35 Ill. Adm. Code 809, currently require the use of USEPA’s Uniform Hazardous Waste Manifest for all special waste (both hazardous and non-hazardous). The proposed amendments would allow Illinois transporters of non-hazardous special waste to obtain and use functionally identical manifests to track such waste while avoiding the significant costs and burdens associated with utilization of USEPA’s e-Manifest system.

**II. BACKGROUND**

The USEPA’s Hazardous Waste Electronic Manifest System (“e-Manifest system”) launched on June 30, 2018, after many years of design and preparation for tracking federally-

regulated hazardous waste shipments electronically across the nation.<sup>1</sup> Prior to the e-Manifest system's launch, USEPA's 6-part paper Uniform Hazardous Waste Manifest ("Uniform Manifest") was required for all hazardous waste shipments. 40 CFR 262.20(a). Due to the Uniform Manifest's comprehensiveness and widespread acceptance in the field, many states—including Illinois—opted to adopt the Uniform Manifest for the transportation of other state-regulated non-hazardous wastes. *See* 415 ILCS 5/22.01; 35 Ill. Adm. Code 809.501. At that time and up until this year, use of the Uniform Manifest for non-hazardous wastes did not carry with it the additional USEPA regulatory burdens and costs meant for hazardous waste.

However, the creation of the e-Manifest system drastically changed this dynamic. *See* 40 C.F.R. § 260.4 (mandating e-Manifesting, including its submission requirements and costs, for facilities in states where tracking is done via a hazardous waste manifest). Now, because of Part 809's existing language requiring the use of USEPA's Uniform Manifest for all special waste shipments, non-hazardous special waste transporters in Illinois are and will continue to be subject to: additional fees to USEPA ranging from \$5 to \$15 per manifest; significantly more staff time for e-Manifest system data entry; and the potential for federal enforcement, including substantial federal fines and penalties for noncompliance. In addition, the e-Manifest system shifts the financial burden for purchasing manifests from the waste generator to the waste receiving facility, which significantly alters the longstanding construct within the waste industry. Further, the e-Manifest system's continuous reporting requirements, which are currently applicable to non-hazardous special waste shipments, are inconsistent with the Agency's annual reporting requirements. *Compare* 40 C.F.R. § 264.71; *with* 35 Ill. Adm. Code 809.501(g).

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<sup>1</sup> <https://www.epa.gov/e-manifest/learn-about-hazardous-waste-electronic-manifest-system-e-manifest>.

**III. REGULATORY PROPOSAL: PURPOSE AND EFFECT (INCLUDES ENVIRONMENTAL, TECHNICAL, AND ECONOMIC JUSTIFICATION)**

The proposed amendments represent the simplest solution: allowing exclusively state-regulated non-hazardous special waste generators, transporters, and receiving facilities to use non-USEPA manifests that are functionally identical to the Uniform Manifest. By decoupling non-hazardous special waste from the Uniform Manifest in this fashion, the Illinois EPA will maintain its intended level of oversight for the subject shipments of state-regulated wastes while greatly reducing the regulatory and administrative burdens associated with USEPA's e-Manifest system—which is meant for and will continue to apply to hazardous waste.

The Illinois EPA's proposal will not have an adverse environmental impact because it maintains the time-tested manifest system that existed prior to the e-Manifest system's launch on June 30, 2018. On the other hand, the proposal's technical and economic justifications are substantial. It will enable generators, transporters, and receiving facilities dealing with state-regulated, non-hazardous special waste to continue to operate safely and efficiently without the drastic changes to technology and staffing needed to comply with the e-Manifest system. Further, it will prevent Illinois transporters and facilities from being unnecessarily forced to pay significant fees to USEPA. This money can, instead, be reinvested into those Illinois businesses and the communities they help to grow and support.

**IV. REGULATORY PROPOSAL: LANGUAGE**

The following is a section-by-section summary of the Illinois EPA's proposal.

Section 809.103: Definitions

In Section 809.103, the definition of "Manifest" is amended slightly to allow the Illinois EPA, in addition to USEPA, to prescribe manifest forms. Reference to the Illinois Environmental

Protection Act is also added to this definition. Further, an apparent typographical error is corrected within the "Treatment" definition.

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

In Section 809.501, "uniform hazardous waste manifest" is replaced with "manifest" in subsection (a). Consistent with Act Section 22.01, revised subsection (c) specifies when to use USEPA's Uniform Manifest, as opposed to Agency prescribed manifests that will be sufficient for non-hazardous special waste:

For hazardous waste, the~~The~~ manifest will consist of forms prescribed by USEPA for the Uniform Hazardous Waste Manifest and will be distributed in accordance with those requirements. For nonhazardous special waste, the manifest will consist of forms prescribed by the Agency, provided that the forms must comply with the requirements of Section 22.01 of the Act and may be purchased from a third party.

**V. SYNOPSIS OF TESTIMONY**

The Illinois EPA anticipates presenting two witnesses during the Board's hearing(s) on this proposal. The witnesses are the following Agency employees within the Bureau of Land: (1) James Jennings, Manager of the Waste Reduction and Compliance Section; and (2) Hope Wright, Environmental Protection Specialist IV, Waste Reduction and Compliance Section.

James Jennings is the Manager of the Illinois EPA's Waste Reduction and Compliance Section. He has worked for the Illinois EPA for five years and has been Section Manager for the past two and a half years. His primary responsibilities include directing the Illinois EPA's oversight of the State of Illinois's administration of the hazardous waste and non-hazardous special waste transportation permitting, manifesting, and reporting obligations. He is an attorney licensed to practice law in Illinois. He received his Juris Doctor from the University of Kentucky and his undergraduate degree from the University of Cincinnati. Mr. Jennings will testify regarding the technical and practical application of the e-Manifest system to state-regulated, non-hazardous

special waste and the sufficient historic alternatives to the use of the e-Manifest system to track those wastes.

Hope Wright has worked in the Illinois EPA's Bureau of Land for 34 years. Her primary responsibilities include reviewing and preparing reports related to the generation, transportation, and disposition of hazardous waste in Illinois and addressing questions regarding the implementation of the e-Manifest system from the regulated community in Illinois. Ms. Wright will testify regarding the technical and practical application of the e-Manifest system to state-regulated, non-hazardous special waste and the sufficient historic alternatives to the use of the e-Manifest system to track those wastes.

#### **VI. PUBLISHED STUDY OR RESEARCH REPORT**

Section 102.202(e) of Title 35 of the Illinois Administrative Code requires the regulatory proposal to include “[a] descriptive title or other description of any published study or research report used in developing the rule.” Section 102.202(k) requires “a complete justification for the inapplicability or unavailability” of any information required under Section 102.202. Neither a research report nor a published study was used in developing the subject amendments. Therefore, the requirement of Section 102.202(e) is inapplicable.

#### **VII. CONCLUSION**

WHEREFORE, the Illinois EPA respectfully requests the Board to adopt the Illinois EPA’s proposed amendments in their entirety as submitted.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall

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**PROPOSED AMENDMENTS TO PART 809**

Pursuant to 35 Ill. Adm. Code 102.202(i), the proposed amendments to 35 Ill. Adm. Code 809 that follow amend the most recent version of the rule as published on the Board's website.

**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  
SUBPART A: GENERAL PROVISIONS**

Section  
809.101 Authority, Policy and Purposes  
809.102 Severability  
809.103 Definitions  
809.104 Incorporations by Reference  
809.105 Public Records

**SUBPART B: SPECIAL WASTE HAULING PERMITS**

Section  
809.201 Special Waste Hauling Permits-General  
809.202 Applications for Special Waste Hauling Permit-Contents  
809.203 Applications for Special Waste Hauling Permit-Signatures and Authorization  
809.204 Applications for Special Waste Hauling Permit-Filing and Final Action by the Agency  
809.205 Special Waste Hauling Permit Conditions  
809.206 Special Waste Hauling Permit Revision  
809.207 Transfer of Special Waste Hauling Permits  
809.208 Special Waste Hauling Permit Revocation  
809.209 Permit No Defense  
809.210 General Exemption from Special Waste Hauling Permit Requirements

- 809.211 Exemptions for Special Waste Transporters
- 809.212 Duration of Special Waste Hauling Permits
- 809.213 Compliance with Federal Requirements

SUBPART C: DELIVERY AND ACCEPTANCE

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

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

- Section
- 809.401 Permit Availability
- 809.402 Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

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

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

- Section
- 809.701 General Provision

SUBPART H: EFFECTIVE DATES

- Section
- 809.801 Compliance Date

SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED  
UNDER THE UNIFORM PROGRAM

- Section
- 809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)
- 809.911 Application for a Uniform Permit (Repealed)
- 809.912 Application for Uniform Registration (Repealed)
- 809.913 Payment of Processing and Audit Fees (Repealed)
- 809.914 Payment of Apportioned Mile Fees (Repealed)
- 809.915 Submittal of Fees (Repealed)
- 809.916 Previously Permitted Transporters (Repealed)
- 809.917 Uniform Registration and Uniform Permit Conditions (Repealed)
- 809.918 Uniform Registration and Uniform Permit Revision (Repealed)
- 809.919 Transfer of Uniform Registration and Uniform Permits (Repealed)

809.920 Audits and Uniform Registration and Uniform Permit Revocation (Repealed)  
809.921 Permit No Defense (Repealed)  
809.1001 Transporters Previously Permitted Under Uniform Hazardous Waste  
Transportation Permit and Registration Program

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, 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(A) at 34 Ill. Reg. 3317, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398, effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. 12332, effective July 18, 2012; amended in R13-8 at 37 Ill. Reg. 1206, effective January 15, 2013.

## **SUBPART A: GENERAL PROVISIONS**

### **Section 809.103 Definitions**

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

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

*"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste or special waste into or on any land or water so that such waste or special waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. [415 ILCS 5/3.08](See "Waste", "Special Waste".)*

*"Garbage" is waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce. [415 ILCS 5/3.200] (See "Waste".)*

*"Hazardous waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to agency guidelines consistent with the requirements of the Act and Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. [415 ILCS 5/3.220]*

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.15 of the Act.

*"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.235]*

"Manifest" means the form prescribed by the Agency or USEPA and used for identifying name, quantity, and the origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage, as required by the Act, this Part, 35 Ill. Adm. Code: Subtitle G, or by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or regulations thereunder.

"Nonhazardous special waste" means any special waste, as defined in this Section, that has not been identified, by characteristics or listing, as hazardous pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to Board regulations.

"On-site" means on the same or geographically contiguous property under the control of the same person even if such contiguous property is divided by a public or private right-of-way. Non-contiguous properties owned by the same person but connected by a right-

of-way that the person controls, and to which the public does not have access, is also considered on-site property.

"Permitted disposal site" means a sanitary landfill or other type of disposal site, including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for disposal.

"Permitted storage site" means any site used for the interim containment of special waste prior to disposal or treatment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for storage.

"Permitted treatment site" means any site used to change the physical, chemical or biological character or composition of any special waste, including but not limited to a processing center, a reclamation facility or a recycling center that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for treatment.

*"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee. [415 ILCS 5/3.315]*

*"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415 ILCS 5/3.335]*

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Radiation Protection Act [420 ILCS 40] and Radioactive Waste Storage Act [420 ILCS 35]. (See "Waste")

"Septic tank pumpings" means the liquid portions and sludge residues removed from septic tanks.

*"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations under the Act. [415 ILCS 5/3.460]*

"Solid waste" (see "Waste").

"Special waste" means any of the following:

*Potentially infectious medical waste;*

*Hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in 35 Ill. Adm. Code 722.111, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with 35 Ill. Adm. Code 726 and proven to be nonhazardous;*

*Industrial process waste or pollution control waste, except:*

*Any such waste certified by its generator, pursuant to Section 22.48 of the Act, not to be any of the following:*

*A liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107 (m)(3)(A);*

*Regulated asbestos-containing waste materials, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR 61.141;*

*Polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR 761;*

*An industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of 35 Ill. Adm. Code 728.107 under the land disposal restrictions of 35 Ill. Adm. Code 728 ; and*

*A waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Act;*

*Any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107 of Title 35 of the Illinois Administrative Code-(m)(3)(A). "Empty portable device or container" means a device or container in which removal of special waste, except for a residue that shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or*

*As may otherwise be determined under Section 22.9 of the Act. [415 ILCS 5/3.475]*

"Special waste hauling vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, used to transport special waste in bulk or packages, tanks, or other containers.

"Special waste transporter" means any person who transports special waste from any location.

"Spill" means any accidental discharge of special waste.

"Storage" means the interim containment of special waste prior to disposal or treatment.

"Tank" means any bulk container placed on or carried by a vehicle to transport special waste, including wheel mounted tanks.

*"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume.*

*"Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render it nonhazardous. [415 ILCS 5/3.505] Treatment also includes reclamation, re-use and recycling of special waste.*

"Truck" means any unitary vehicle used to transport special waste.

"Truck tractor" means any motor vehicle used to transport special waste that is designed and used for drawing other devices and not so constructed as to carry a load other than a part of the weight of the device and load so drawn.

"Uniform permit" means the permit issued by a base state under Part II of the uniform application.

"Uniform registration" means the annual registration issued by a base state under Part I of the uniform application, if the base state has a registration requirement.

*"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135 of the Act, or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977*

*(P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3.535]*

“Washwater”, as used in this Part, means a mixture of water, nonhazardous cleaning compounds, and residue that results from cleaning surfaces and equipment and that is collected separately from sewage.

“Wastewater”, as used in this Part, means stormwater, surface water, groundwater or nonhazardous washwater that has been contaminated with used oil but has not been mixed with sewage, industrial waste or any other waste.

(Source: Amended at \_\_ 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 special waste transporter shall complete a ~~uniform hazardous waste~~ manifest to accompany the special waste from delivery to the destination of 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, 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 a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 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 prior to being mixed with the used oil, when:
      - i) the characteristic has been extinguished in the resultant mixture;



- 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 50 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, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.
- b) The generator 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) For hazardous waste, the~~The~~ manifest will consist of forms prescribed by USEPA for the Uniform Hazardous Waste Manifest and will be distributed in accordance with those requirements. For nonhazardous special waste, the manifest will consist of forms prescribed by the Agency, provided that the forms must comply with the requirements of Section 22.01 of the Act and may be purchased from a third party. 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.
- d) 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.

- e) 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.
- f) 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.

- g) Every in-State facility that accepts nonhazardous-special waste from a 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 (h) 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 special waste transporter on or after January 1, 1991.
- h) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a special waste transporter pursuant to subsection (g) 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 \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
AMENDMENTS TO MANIFESTING ) R19-  
REQUIREMENTS: SPECIAL WASTE HAULING ) (Rulemaking - Land)  
35 ILL. ADM. CODE 809 )

**MOTION FOR ACCEPTANCE**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, and pursuant to 35 Ill. Adm. Code 102.106, 102.200, and 102.202, moves that the Illinois Pollution Control Board accept for hearing the Illinois EPA’s proposal for the adoption of amendments to 35 Ill. Adm. Code 809. This regulatory proposal includes the following documents or items: (1) Notice of Filing; (2) Appearance; (3) Statement of Reasons; (4) Proposed Amendments to Part 809; (5) Motion for Acceptance; (6) Certificate of Service; and (7) a computer disc containing the Proposed Amendments.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall  
Gabriel H. Neibergall  
Assistant Counsel  
Division of Legal Counsel  
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DATED: November 27, 2018

Gabriel H. Neibergall, #6323183  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
AMENDMENTS TO MANIFESTING ) R19-  
REQUIREMENTS: SPECIAL WASTE HAULING ) (Rulemaking - Land)  
35 ILL. ADM. CODE 809 )

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, affirm that I have served the attached NOTICE OF FILING, APPEARANCE, STATEMENT OF REASONS, PROPOSED AMENDMENTS TO PART 809, and MOTION FOR ACCEPTANCE, on behalf of the Illinois EPA, upon the following person(s) by e-mail to the e-mail address(es) indicated below or, if no e-mail address is provided, by placing true copies, in an envelope duly addressed and bearing proper first class postage, in the United States mail at Springfield, Illinois on November 27, 2018:

TO:

Illinois Pollution Control Board  
Don Brown, Clerk  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Illinois Department of Natural Resources  
Office of Legal Services  
One Natural Resources Way  
Springfield, Illinois 62702-1271  
[renee.snow@illinois.gov](mailto:renee.snow@illinois.gov)

Office of the Attorney General  
Environmental Bureau North  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
[mdunn@atg.state.il.us](mailto:mdunn@atg.state.il.us)

I affirm that my e-mail address is [gabriel.neibergall@illinois.gov](mailto:gabriel.neibergall@illinois.gov); the number of pages in the e-mail transmission is 22; and the e-mail transmission took place today before 4:30 PM. If you prefer service by mail, please contact me and a copy will be mailed to you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall

Gabriel H. Neibergall  
Assistant Counsel  
Division of Legal Counsel  
[Gabriel.Neibergall@illinois.gov](mailto:Gabriel.Neibergall@illinois.gov)

DATED: November 27, 2018

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