

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 722

3) Section Numbers: Proposed Actions:
 722.114 Amendment
 722.117 Amendment
 722.118 Amendment
 722.121 Amendment
 722.303 Amendment
 722.304 Amendment
 722.332 Amendment
 722.333 Amendment

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STATE OF ILLINOIS
 Pollution Control Board

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 722 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 723 through 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

The following briefly summarizes the federal action in the update periods:

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

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Specifically, the amendments to Part 722 incorporate elements of the federal conditional exclusion of airbag waste. The amendments also standardize use of USEPA Form 8700-12; correct spelling, punctuation, and grammar; and simplify phrasing to add clarity to previously adopted rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-11.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R19-11 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board

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State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R19-11:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924

e-mail: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30 (2018)] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Amendments begins on the next page:

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

6 PART 722
7 STANDARDS APPLICABLE TO
8 GENERATORS OF HAZARDOUS WASTE
9

10 SUBPART A: GENERAL
11

12	Section	
13	722.101	Definitions
14	722.105	Electronic Reporting
15	722.110	Purpose, Scope, and Applicability
16	722.111	Hazardous Waste Determination
17	722.112	USEPA Identification Numbers (Repealed)
18	722.113	Generator Category Determination
19	722.114	Conditions for Exemption for a Very Small Quantity Generator
20	722.115	Satellite Accumulation Area Regulations for a Small Quantity Generator or
21		Large Quantity Generator
22	722.116	Conditions for Exemption for a Small Quantity Generator That Accumulates
23		Hazardous Waste
24	722.117	Conditions for Exemption for a Large Quantity Generator That Accumulates
25		Hazardous Waste
26	722.118	USEPA Identification Numbers and Re-Notification for a Small Quantity
27		Generator or Large Quantity Generator

28
29 SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
30 SMALL AND LARGE QUANTITY GENERATORS
31

32	Section	
33	722.120	General Requirements
34	722.121	Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
35	722.122	Number of Copies
36	722.123	Use of the Manifest
37	722.124	Use of the Electronic Manifest
38	722.125	Electronic Manifest Signatures
39	722.127	Waste Minimization Certification

40
41 SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO
42 SMALL AND LARGE QUANTITY GENERATORS
43

44	Section	
45	722.130	Packaging
46	722.131	Labeling
47	722.132	Marking
48	722.133	Placarding
49	722.134	Accumulation Time (Repealed)
50	722.135	Liquids in Landfills Prohibition

51

52 SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS

53 APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

54

55	Section	
56	722.140	Recordkeeping
57	722.141	Annual Reporting for Large Quantity Generators
58	722.142	Exception Reporting
59	722.143	Additional Reporting
60	722.144	Recordkeeping for Small Quantity Generators
61	722.140	Recordkeeping
62	722.141	Annual Reporting for Large Quantity Generators
63	722.142	Exception Reporting
64	722.143	Additional Reporting
65	722.144	Recordkeeping for Small Quantity Generators
66	722.150	Applicability (Repealed)
67	722.151	Definitions (Repealed)
68	722.152	General Requirements (Repealed)
69	722.153	Notification of Intent to Export (Repealed)
70	722.154	Special Manifest Requirements (Repealed)
71	722.155	Exception Report (Repealed)
72	722.156	Annual Reports (Repealed)
73	722.157	Recordkeeping (Repealed)
74	722.158	International Agreements (Repealed)
75	722.160	Imports of Hazardous Waste (Repealed)

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77 SUBPART G: FARMERS

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79	Section	
80	722.170	Farmers

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82 SUBPART H: TRANSBOUNDARY SHIPMENTS OF

83 HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

84

85	Section	
86	722.180	Applicability

87	722.181	Definitions
88	722.182	General Conditions
89	722.183	Exports of Hazardous Waste
90	722.184	Imports of Hazardous Waste
91	722.185	Contracts (Repealed)
92	722.186	Provisions Relating to Recognized Traders (Repealed)
93	722.187	Reporting and Recordkeeping (Repealed)
94	722.189	OECD Waste Lists (Repealed)
95		
96		SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE
97		DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR
98		LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES
99		
100	Section	
101	722.300	Definitions
102	722.301	Applicability
103	722.302	Opting into the Subpart K Requirements
104	722.303	Notice of Election into the Subpart K Requirements
105	722.304	Notice of Withdrawal from the Subpart K Requirements
106	722.305	Summary of the Requirements of this Subpart K
107	722.306	Container Standards in the Laboratory
108	722.307	Personnel Training
109	722.308	Removing Unwanted Material from the Laboratory
110	722.309	Hazardous Waste Determination and Removal of Unwanted Material from the
111		Laboratory
112	722.310	Hazardous Waste Determination in the Laboratory
113	722.311	Hazardous Waste Determination at an On-Site Central Accumulation Area
114	722.312	Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal
115		Facility
116	722.313	Laboratory Clean-Outs
117	722.314	Laboratory Management Plan
118	722.315	Unwanted Material That Is Not Solid Waste or Hazardous Waste
119	722.316	Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity
120		
121		SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION
122		
123	Section	
124	722.330	Applicability
125	722.331	Definitions for this Subpart L
126	722.332	Conditions for a Generator Managing Hazardous Waste from an Episodic
127		Event
128	722.333	Request to Manage One Additional Episodic Event Per Calendar Year
129		

130 SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY
 131 PROCEDURES FOR LARGE QUANTITY GENERATORS

- 132 Section
- 133 722.350 Applicability
 - 134 722.351 Maintenance and Operation of Facility
 - 135 722.352 Required Equipment
 - 136 722.353 Testing and Maintenance of Equipment
 - 137 722.354 Access to Communications or Alarm System
 - 138 722.355 Required Aisle Space
 - 139 722.356 Arrangements with Local Authorities
 - 140 722.360 Purpose and Implementation of Contingency Plan
 - 141 722.361 Content of Contingency Plan
 - 142 722.362 Copies of Contingency Plan
 - 143 722.363 Amendment of Contingency Plan
 - 144 722.364 Emergency Coordinator
 - 145 722.365 Emergency Procedures

146
 147 722.APPENDIX A Hazardous Waste Manifest (Repealed)

148
 149 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 150 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

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 152 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 153 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
 154 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,
 155 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at
 156 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,
 157 effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987;
 158 amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12
 159 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective
 160 December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;
 161 amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at
 162 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective
 163 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in
 164 R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg.
 165 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,
 166 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-
 167 10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-
 168 3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg.
 169 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20,
 170 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29
 171 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138,
 172 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective

173 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008;
 174 amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-
 175 2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
 176 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24,
 177 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at
 178 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-
 179 14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-
 180 3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. _____,
 181 effective _____.

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 183 **SUBPART A: GENERAL**

184
 185 **Section 722.114 Conditions for Exemption for a Very Small Quantity Generator**

- 186
 187 a) Provided that a VSQG meets all the conditions for exemption listed in this
 188 Section, hazardous waste generated by the VSQG is not subject to the
 189 requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the
 190 notification requirements of section 3010 of RCRA (42 USC 6930), and the
 191 VSQG may accumulate hazardous waste on site without complying with these
 192 requirements, except that the VSQG must comply with this Section and Sections
 193 722.110 through 722.113. The conditions for exemption are as follows:
 194
- 195 1) In a calendar month, the VSQG generates less than or equal to the
 196 amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code
 197 720.110;
 - 198 2) The VSQG complies with Section 722.111(a) through (d);
 - 199 3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute
 200 hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil,
 201 water, or other debris resulting from the cleanup of a spill, into or on any
 202 land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code
 203 721.131 or 721.133(e), all quantities of that acute hazardous waste are
 204 subject to the following additional conditions for exemption:
 205
 - 206 A) ~~The~~Such waste is held on site for no more than 90 days beginning
 207 on the date when the accumulated wastes exceed the amounts
 208 provided in subsection (a)(1); and
 - 209 B) The conditions for exemption in Section 722.117(a) through (g).
 - 210 4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of
 211 non-acute hazardous waste, all quantities of that hazardous waste are
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173 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008;
 174 amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-
 175 2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
 176 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24,
 177 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at
 178 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-
 179 14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-
 180 3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. _____,
 181 effective _____.

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 183 SUBPART A: GENERAL

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 185 **Section 722.114 Conditions for Exemption for a Very Small Quantity Generator**

186
 187 a) Provided that a VSQG meets all the conditions for exemption listed in this
 188 Section, hazardous waste generated by the VSQG is not subject to the
 189 requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the
 190 notification requirements of section 3010 of RCRA (42 USC 6930), and the
 191 VSQG may accumulate hazardous waste on site without complying with these
 192 requirements, except that the VSQG must comply with this Section and Sections
 193 722.110 through 722.113. The conditions for exemption are as follows:

- 194
 195 1) In a calendar month, the VSQG generates less than or equal to the
 196 amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code
 197 720.110;
 198
 199 2) The VSQG complies with Section 722.111(a) through (d);
 200
 201 3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute
 202 hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil,
 203 water, or other debris resulting from the cleanup of a spill, into or on any
 204 land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code
 205 721.131 or 721.133(e), all quantities of that acute hazardous waste are
 206 subject to the following additional conditions for exemption:
 207
 208 A) ~~The~~Such waste is held on site for no more than 90 days beginning
 209 on the date when the accumulated wastes exceed the amounts
 210 provided in subsection (a)(1); and
 211
 212 B) The conditions for exemption in Section 722.117(a) through (g).
 213
 214 4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of
 215 non-acute hazardous waste, all quantities of that hazardous waste are

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subject to the following additional conditions for exemption:

- A) ~~The~~Such waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);

BOARD NOTE: Section 722.116(c) allows an SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles for off-site treatment, storage, or disposal to accumulate the waste for up to 270 days.

- B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and

- C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).

- 5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:

- A) A permitted facility under 35 Ill. Adm. Code 702 and 703;

- B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;

- C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;

- D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and which is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;

- E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;

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- F) A facility engaging in either of the following activities:
 - i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or
 - ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

- G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;

- H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:
 - i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. "Control," for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" the VSQG and LQG.
 - ii) The VSQG marks its containers of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;:-

- I) This subsection (a)(5)(I) corresponds with 40 CFR 262.114(a)(5)(J), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;

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J) This subsection (a)(5)(J) corresponds with 40 CFR 262.114(a)(5)(K), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;

K) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 35 Ill. Adm. Code 721.104(j).

- b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
- c) A VSQG experiencing an episodic event may generate and accumulate hazardous waste in accordance with Subpart L in lieu of Sections 722.115, 722.116, and 722.117.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG meets all of the following conditions for exemption:

- a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:
 - 1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:
 - A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;
 - B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking

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container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

D) Management of Containers

i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.

ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.

E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes

i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.

ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the

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following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place “No Smoking” signs wherever there is a hazard from ignitable or reactive waste.

G) Special Conditions for Accumulation of Incompatible Wastes

- i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).
- ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).
- iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.

3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:

- A) Subpart W of 35 Ill. Adm. Code 725;
- B) The LQG must remove all wastes from the drip pad at least once

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every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and

C) The LQG must maintain on site at the facility the following records readily available for inspection:

- i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and
- ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

- A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and
- B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

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- i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the 16(d) and generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures
 - ii) Documentation that the LQG empties the unit at least once every 90 days.
 - iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.
- 5) Labeling and Marking of Containers and Tanks
- A) Containers. An LQG must mark or label its containers with the following:
 - i) The words "Hazardous Waste";
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.
 - B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:
 - i) Mark or label its tanks with the words "Hazardous Waste";

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- ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and
 - iv) Keep inventory logs or records with the above information on site and readily available for inspection.
- 6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).
- 7) Personnel Training
- A) Personnel Training Program
 - i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).
 - ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous

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waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

iv) For facility employees that receive emergency response training pursuant to 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. An employee must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).

C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).

D) The LQG must maintain the following documents and records at the facility:

i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent

- 603 in its degree of specificity with descriptions for other
 604 similar positions in the same company location or
 605 bargaining unit, but the description must include the
 606 requisite skill, education, other qualifications, and duties of
 607 facility personnel assigned to each position;
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- 609 iii) A written description of the type and amount of both
 610 introductory and continuing training that the LQG will give
 611 to each person filling a position listed under subsection
 612 (a)(7)(D)(i);
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 - 614 iv) Records documenting that the LQG has given and facility
 615 personnel has completed the training or job experience
 616 required by subsections (a)(7)(A), (B), and (C).
 617
- 618 E) The LQG must keep training records on current personnel until
 619 closure of the facility. The LQG must keep training records on
 620 former employees for at least three years from the date the
 621 employee last worked at the facility. Personnel training records
 622 may accompany personnel transferred within the same company.
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- 624 8) Closure. An LQG accumulating hazardous wastes in containers, tanks,
 625 drip pads, and containment buildings, prior to closing the facility or a unit
 626 at the facility, must meet the following conditions:
 627
- 628 A) Notification for Closure of a Waste Accumulation Unit. An LQG
 629 must perform one of the following when closing a waste
 630 accumulation unit:
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 - 632 i) Place a notice in the operating record within 30 days after
 633 closure identifying the location of the unit within the
 634 facility; or
 635
 - 636 ii) Meet the closure performance standards of subsection
 637 (a)(8)(C) for container, tank, and containment building
 638 waste accumulation units or subsection (a)(8)(D) for drip
 639 pads and notify USEPA and the Agency following the
 640 procedures in subsection (a)(8)(B)(ii) for the waste
 641 accumulation unit. If the waste accumulation unit is
 642 subsequently reopened, the LQG may remove the notice
 643 from the operating record.
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- 645 B) Notification for Closure of the Facility

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- i) Notify ~~USEPA and the Agency~~ using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.

- ii) Notify ~~USEPA and the Agency~~ using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify ~~USEPA and the Agency~~ using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), or for a facility with drip pads, notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.

- iii) An LQG may request additional time to clean close, but it must notify ~~USEPA and the Agency~~ using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units

- i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or

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surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

- ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.
- iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.
- iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform postclosure care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.

D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).

E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.

9) Land Disposal Restrictions. The LQG must comply with all applicable

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requirements of 35 Ill. Adm. Code 728.

- b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

- c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:

- 1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;
- 2) The F006 waste is legitimately recycled through metals recovery;
- 3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and
- 4) The LQG manages the F006 waste in accordance with the following requirements:
 - A) Requirements for Managing F006 Waste
 - i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).

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- ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).
 - iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.
- B) The LQG is exempt from all requirements of subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).
 - C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.
 - D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:
 - i) The words "Hazardous Waste"; and
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.

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E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).

e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the following conditions. "Control," for the purposes of this Section, means the

861 power to direct the policies of the LQG and VSQG, whether by the ownership of
 862 stock, voting rights, or otherwise, except that a contractor that operates a LQG or
 863 VSQG facility on behalf of a different person is not be deemed to "control" the
 864 LQG or VSQG.
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866 1) The LQG must notify ~~USEPA and~~ the Agency at least 30 days prior to
 867 receiving the first shipment from a VSQG using Notification of RCRA
 868 Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12);
 869 and
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871 A) The LQG must identify on the form the names and site addresses
 872 for the VSQG as well as the name and business telephone number
 873 for a contact person for the VSQG; and
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875 B) The LQG must submit an updated USEPA Form 8700-12 within
 876 30 days after a change in the name or site address for the VSQG.
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878 BOARD NOTE: USEPA Form 8700-12 is available from the Agency,
 879 Bureau of Land (217-782-6762). It is also available on-line for download
 880 in PDF file format: [www.epa.gov/hwgenerators/instructions-and-form-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
 881 [hazardous-waste-generators-transporters-and-treatment-storage-and](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).
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883 2) The LQG maintains records of shipments for three years from the date the
 884 LQG receives the hazardous waste from the VSQG. These records must
 885 identify the name, site address, and contact information for the VSQG and
 886 include a description of the hazardous waste received, including the
 887 quantity and the date the LQG received the waste.
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889 3) The LQG must comply with the independent requirements identified in
 890 Section 722.110(a)(1)(C) and the conditions for exemption in this Section
 891 for all hazardous waste received from a VSQG. For purposes of the
 892 labeling and marking regulations in subsection (a)(5), the LQG must label
 893 the container or unit with the date accumulation started (i.e., the date the
 894 LQG received the hazardous waste from the VSQG). If the LQG is
 895 consolidating incoming hazardous waste from a VSQG with either its own
 896 hazardous waste or with hazardous waste from other VSQGs, the LQG
 897 must label each container or unit with the earliest date when the VSQG
 898 first accumulated on site any hazardous waste in the container.
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900 g) Rejected Load. An LQG may accumulate the returned waste on site in
 901 accordance with subsections (a) and (b) if the LQG sent the shipment of
 902 hazardous waste to a designated facility believing that the designated facility can
 903 accept and manage the waste and later received that shipment back as a rejected

904 load or residue in accordance with the manifest discrepancy provisions of 35 Ill.
 905 Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG
 906 must do either of the following:
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- 908 1) Sign Item 18c of the manifest, if the transporter returned the shipment
- 909 using the original manifest; or
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- 911 2) Sign Item 20 of the manifest, if the transporter returned the shipment using
- 912 a new manifest.
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914 (Source: Amended at 43 Ill. Reg. _____, effective _____)
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916 **Section 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity**
 917 **Generator or Large Quantity Generator**
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- 919 a) An SQG or LQG must not treat, store, dispose of, transport, or offer for
- 920 transportation hazardous waste without having received a USEPA identification
- 921 number.
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- 923 b) An SQG or LQG that has not received a USEPA identification number must
- 924 obtain one by applying to ~~the Agency~~USEPA using Notification of RCRA
- 925 Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). Upon
- 926 receiving the request USEPA will assign a USEPA identification number to the
- 927 generator.
- 928
- 929 c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment,
- 930 storage, or disposal facility that has not received a USEPA identification number.
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- 932 d) Re-Notification
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- 934 1) An SQG must ~~renotify the Agency~~~~re-notify USEPA~~ starting in 2021 and
- 935 every four years thereafter using USEPA Form 8700-12. The SQG must
- 936 submit this re-notification by September 1st of each year in which re-
- 937 notification is required.
- 938
- 939 2) An LQG must ~~renotify the Agency~~USEPA by March 1 of each even-
- 940 numbered year thereafter using USEPA Form 8700-12. An LQG may
- 941 submit this renotification as part of its annual report required by Section
- 942 722.141.
- 943
- 944 e) A recognized trader must not arrange for import or export of hazardous waste
- 945 without having received a USEPA identification number from USEPA.
- 946

947 BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land
948 (217-782-6762). It is also available on-line for download in PDF file format:
949 www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-
950 transporters-and-treatment-storage-and.

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952 (Source: Amended at 43 Ill. Reg. _____, effective _____)
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954 SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
955 SMALL AND LARGE QUANTITY GENERATORS
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957 **Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests**
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959 a) USEPA exclusively administers requirements for hazardous waste manifest forms
960 and continuation sheets (USEPA Forms ~~8700-22 and 8700-22A~~ ~~8700-12 and~~
961 ~~8700-12A~~). USEPA prescribes the manifest form format, content, printing, and
962 registration requirements in 40 CFR 262.21.
963

964 b) Use of Approved Manifests
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966 1) A generator may use manifests printed by any source so long as the source
967 of the printed form has received approval from USEPA to print the
968 manifest pursuant to 40 CFR 262.21(c) and (e).
969

970 BOARD NOTE: USEPA maintains a listing of registered sources at
971 [https://www.epa.gov/hwgenerators/approved-registered-printers-epas-](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry)
972 [manifest-registry](https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry).
973

974 2) The waste generator must determine whether the generator state or the
975 consignment state for a shipment regulates any additional wastes (beyond
976 those regulated federally) as hazardous wastes under these states'
977 authorized programs. The generator must also determine whether the
978 consignment state or generator state requires the generator to submit any
979 copies of the manifest to these states. In cases where the generator must
980 supply copies to either the generator's state or the consignment state, the
981 generator is responsible for supplying legible photocopies of the manifest
982 to these states.
983

984 BOARD NOTE: This subsection (b) derives from 40 CFR 262.21(g)
985 (2017). It is the only provision in 40 CFR 262.21 that does not
986 exclusively apply to the form format, content, printing, and registration
987 requirements for manifests.
988

989 (Source: Amended at 43 Ill. Reg. _____, effective _____)

990
 991 SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE
 992 DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR
 993 LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES
 994

995 **Section 722.303 Notice of Election into the Subpart K Requirements**
 996

- 997 a) If an eligible academic entity elects to become subject to the requirements of this
 998 Subpart K, it must notify the Agency and ~~USEPA Region 5~~ of this election in
 999 writing using the Notification of RCRA Subtitle C Activities (Site Identification
 1000 Form) (USEPA Form 8700-12) for all the laboratories that the eligible academic
 1001 entity owns or operates under the same USEPA identification number. If the
 1002 eligible academic entity is a VSQG that does not have a USEPA identification
 1003 number, the VSQG must notify the Agency and USEPA Region 5 that it has made
 1004 this choice for all the laboratories that the eligible academic entity owns or
 1005 operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible
 1006 academic entity has multiple USEPA identification numbers, or if it is a VSQG
 1007 with multiple sites, it must submit a separate notification (using USEPA Form
 1008 8700-12) for each USEPA identification number (or site, for a VSQG) that it
 1009 elects to become subject to the requirements of this Subpart K. The eligible
 1010 academic entity must submit USEPA Form 8700-12 to the Agency and ~~USEPA~~
 1011 ~~Region 5~~ before it begins operating under this Subpart K.
 1012

1013 BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the
 1014 "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on
 1015 USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity".
 1016 USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-
 1017 6762). It is also available on-line for download in PDF file format:
 1018 www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.
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- 1020
 1021 b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a
 1022 minimum, fill out each of the following fields on the form:
 1023
 1024 "1. Reason for Submittal"
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 1026 "2. Site EPA identification number" (except for a VSQG)
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 1028 "3. Site Name"
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 1030 "4. Site Location Information"
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 1032 "5. Site Land Type"

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"6. North American Industry Classification System (NAICS) Code(s) for the Site"

BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

"7. Site Mailing Address"

"8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.
- d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.
- e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

- a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs. An eligible academic entity must notify the Agency and ~~USEPA Region 5~~ in writing of this election using Notification of RCRA Subtitle C Activities (Site Identification Form) ~~(the USEPA Form 8700-12)~~. If the eligible academic entity is a VSQG that does not have a USEPA identification number, it must notify the Agency and

1076 USEPA Region 5 that it has elected to withdraw from the requirements of this
 1077 Subpart K for all of the laboratories that it owns or operates that are on site. The
 1078 eligible academic entity that is a VSQG that makes this election must comply
 1079 with the conditional exemption in 35 Ill. Adm. Code 722.114. If the eligible
 1080 academic entity has multiple USEPA identification numbers, or if it is a VSQG
 1081 with multiple sites, it must submit a separate notification (using USEPA Form
 1082 8700-12) for each USEPA identification number (or site, for a VSQG) that it
 1083 elects to withdraw from the requirements of this Subpart K. The eligible
 1084 academic entity that chooses to withdraw from the requirements of this Subpart K
 1085 must submit USEPA Form 8700-12 to the Agency ~~and USEPA Region 5~~ before it
 1086 begins operating under the standards in Sections 722.111 and 722.115, which are
 1087 the generally applicable standards for SQGs and LQGs, or Section 722.114,
 1088 which are the generally applicable standards for VSQGs.
 1089

1090 BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the
 1091 "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on
 1092 USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity".
 1093 USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-
 1094 6762). It is also available on-line for download in PDF file format:
 1095 [www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
 1096 [transporters-and-treatment-storage-and](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and) .
 1097

1098 b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a
 1099 minimum, fill out each of the following fields on the form:

- 1100
- 1101 "1. Reason for Submittal"
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- 1103 "2. Site EPA identification number" (except for a VSQG)
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- 1105 "3. Site Name"
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- 1107 "4. Site Location Information"
- 1108
- 1109 "5. Site Land Type"
- 1110
- 1111 "6. North American Industry Classification System (NAICS) Code(s) for the
- 1112 Site"
- 1113

1114 BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm.
 1115 Code 720.110.

- 1116
- 1117 "7. Site Mailing Address"
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- 1119 "8. Site Contact Person"

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"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for three years after the date of the notification of withdrawal.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event

- a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:
 - 1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
 - 2) Notification. The VSQG must notify the Agency no later than 30 calendar days prior to initiating a planned episodic event using Notification of RCRA Subtitle C Activities (Site Identification From) (USEPA Form 8700-12) ~~(Notification of RCRA Subtitle C Activities (Site Identification From))~~. In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download

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in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- 3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12;
- 4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:
 - A) Containers. A VSQG accumulating in containers must mark or label its containers with the following:
 - i) The words "Episodic Hazardous Waste";
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date when the episodic event began, clearly visible for inspection on each container.
 - B) Tanks. A VSQG accumulating episodic hazardous waste in tanks must do the following:
 - i) Mark or label the tank with the words "Episodic Hazardous Waste";
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F

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(Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

- iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and
- iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.

C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;

- i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and
- ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

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- 5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.
- 7) A VSQG must maintain the following records for three years from the end date of the episodic event:
 - A) The beginning and end dates of the episodic event;
 - B) A description of the episodic event;
 - C) A description of the types and quantities of hazardous wastes generated during the event;
 - D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;
 - E) The names of hazardous waste transporters; and
 - F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.
- b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:
 - 1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
 - 2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous wastes expected to be

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generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- 3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and
- 4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads or in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:
 - A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:
 - i) The words "Episodic Hazardous Waste";
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with the USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date when the episodic event began, clearly visible for inspection on each container.

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- B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 722.116(b)(3) and must do the following:
 - i) Mark or label its tank with the words "Episodic Hazardous Waste";
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and
 - iv) Keep inventory logs or records with the above information on site and available for inspection.
- 5) The SQG must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by 35 Ill. Adm. Code 720.110) within 60 calendar days from the start of the episodic event.
- 6) The SQG must maintain the following records for three years from the end date of the episodic event:
 - A) The beginning and end dates of the episodic event;
 - B) A description of the episodic event;
 - C) A description of the types and quantities of hazardous wastes generated during the event;

- 1373 D) A description of how the hazardous waste was managed as well as
- 1374 the name of the designated facility (as defined by 35 Ill. Adm.
- 1375 Code 720.110) that received the hazardous waste;
- 1376
- 1377 E) The names of hazardous waste transporters; and
- 1378
- 1379 F) The approval letter from the Agency if the generator requested the
- 1380 Agency under Section 722.333 to conduct one additional episodic
- 1381 event per calendar year.
- 1382

1383 (Source: Amended at 43 Ill. Reg. _____, effective _____)

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1385 **Section 722.333 Request to Manage One Additional Episodic Event Per Calendar Year**

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- 1387 a) After obtaining a provisional variance from the Agency, a generator may conduct
- 1388 a second episodic event not to exceed 60 days in a calendar year without
- 1389 impacting its generator category under the following conditions:
- 1390
- 1391 1) If a VSQG or SQG has already held a planned episodic event in a calendar
- 1392 year, the generator may conduct an additional unplanned episodic event in
- 1393 that calendar year. The generator must submit a written request for a
- 1394 provisional variance to the Agency within 72 hours after the unplanned
- 1395 event.
- 1396
- 1397 2) If a VSQG or SQG has already held an unplanned episodic event in a
- 1398 calendar year. The generator must obtain a provisional variance from the
- 1399 Agency before beginning the additional planned ~~episodic~~ episodic event.
- 1400
- 1401 b) The generator must submit the written request using Notification of RCRA
- 1402 Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12),
- 1403 identifying it as a request for an additional episodic request. The written request
- 1404 must include the following information:
- 1405
- 1406 1) The reasons why an additional episodic event is needed and the nature of
- 1407 the episodic event;
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- 1409 2) The estimated amount of hazardous waste to be managed from the event;
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- 1411 3) How the generator will manage the hazardous waste;
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- 1413 4) The estimated length of time needed to complete management of the
- 1414 hazardous waste generated from the episodic event – not to exceed 60
- 1415 days; and

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- 5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- c) The generator must submit the written request to the Agency, either on paper or electronically.
- d) The generator must retain written approval in its records for three years from the date the episodic event ended.
- e) If the Agency determines the following is true of the additional episodic event, the Agency must approve the request in writing:
 - 1) The prior episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 2) The additional episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 3) The additional episodic event fulfills the criteria of subsection (a)(1) or subsection (a)(2);
 - 4) The generator is legitimately having episodic events, and the generator is using this Section for true episodic events and not as a way to regularly avoid managing hazardous waste at a higher generator category;
 - 5) The generator will comply with the applicable requirements of Section 722.332(a)(4) through (a)(7) or (b)(4) through (b)(6); and
 - 6) The generator will manage the hazardous waste in a way that no violation of the Act or Board ~~regulations~~ regulations will occur.

BOARD NOTE: Any Agency determination made under this Section is not a "RCRA permit", as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705. A failure to obtain Agency approval as provided in this Section subjects the generator to higher generator category standards, and non-compliance may subject the generator to enforcement action.

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section

- 722.101 Definitions
- 722.105 Electronic Reporting
- 722.110 Purpose, Scope, and Applicability
- 722.111 Hazardous Waste Determination
- 722.112 USEPA Identification Numbers (Repealed)
- 722.113 Generator Category Determination
- 722.114 Conditions for Exemption for a Very Small Quantity Generator
- 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator
- 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste
- 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste
- 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section

- 722.120 General Requirements
- 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
- 722.122 Number of Copies
- 722.123 Use of the Manifest
- 722.124 Use of the Electronic Manifest
- 722.125 Electronic Manifest Signatures
- 722.127 Waste Minimization Certification

SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section

- 722.130 Packaging
- 722.131 Labeling
- 722.132 Marking
- 722.133 Placarding
- 722.134 Accumulation Time (Repealed)
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SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

a) Provided that a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these requirements, except that the VSQG must comply with this

Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:

1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code 720.110;

2) The VSQG complies with Section 722.111(a) through (d);

3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

A) ~~Such~~The waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(1); and

B) The conditions for exemption in Section 722.117(a) through (g).

4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

A) ~~Such~~The waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);

BOARD NOTE: Section 722.116(c) allows an SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles for off-site treatment, storage, or disposal to accumulate the waste for up to 270 days.

B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and

C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).

5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:

A) A permitted facility under 35 Ill. Adm. Code 702 and 703;

B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;

C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;

D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and which is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;

E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;

F) A facility engaging in either of the following activities:

i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or

ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;

H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:

i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. "Control," for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" the VSQG and LQG.

ii) The VSQG marks its containers of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code ~~720.111-720.111~~;

I) This subsection (a)(5)(I) corresponds with 40 ~~C.F.R.~~ ~~§CFER~~ 262.114(a)(5)(J), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation.

J) This subsection (a)(5)(J) corresponds with 40 ~~C.F.R.~~ ~~§CFER~~ 262.114(a)(5)(K), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation.

K) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 35 Ill. Adm. Code 721.104(j).

b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

c) A VSQG experiencing an episodic event may generate and accumulate hazardous waste in accordance with Subpart L in lieu of Sections 722.115, 722.116, and 722.117.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG meets all of the following conditions for exemption:

a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:

1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:

A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;

B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

D) Management of Containers

i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.

ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.

E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes

i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.

ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.

G) Special Conditions for Accumulation of Incompatible Wastes

i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples,

see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.

3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725;

B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and

C) The LQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard

Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the 16(d) and generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures

ii) Documentation that the LQG empties the unit at least once every 90 days.

iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.

5) Labeling and Marking of Containers and Tanks

A) Containers. An LQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).

7) Personnel Training

A) Personnel Training Program

i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a) (7) (D).

ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

iv) For facility employees that receive emergency response training pursuant to 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. An employee must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).

C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).

D) The LQG must maintain the following documents and records at the facility:

i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;

iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);

iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).

E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:

A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit:

i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or

ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.

B) Notification for Closure of the Facility

i) Notify ~~USEPA and~~ the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.

ii) Notify ~~USEPA and~~ the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify ~~USEPA and~~ the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank, or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), ~~or for a facility with drip pads,~~ notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.

iii) An LQG may request additional time to clean close, but it must notify ~~USEPA and~~ the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/?hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units

i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface

waters or to the atmosphere to the extent necessary to protect human health and the environment.

ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.

iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.

iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform postclosure care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.

D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).

E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.

9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 35 Ill. Adm. Code 728.

b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c)

of the Act. This subsection provides the basis for granting and maximum duration of an extension.

c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:

1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;

2) The F006 waste is legitimately recycled through metals recovery;

3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and

4) The LQG manages the F006 waste in accordance with the following requirements:

A) Requirements for Managing F006 Waste

i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).

ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).

iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.

B) The LQG is exempt from all requirements of subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).

C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.

D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:

i) The words "Hazardous Waste"; and

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.

E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).

e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit

pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the following conditions.

"Control," for the purposes of this Section, means the power to direct the policies of the LQG and VSQG, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a LQG or VSQG facility on behalf of a different person is not be deemed to "control" the LQG or VSQG.

1) The LQG must notify ~~USEPA and~~ the Agency at least 30 days prior to receiving the first shipment from a VSQG using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12); and

A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and

B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/?hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.

3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:

- 1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
- 2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

a) An SQG or LQG must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number.

b) An SQG or LQG that has not received a USEPA identification number must obtain one by applying to the Agency ~~USEPA~~ using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). Upon receiving the request USEPA will assign a USEPA identification number to the generator.

c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment, storage, or disposal facility that has not received a USEPA identification number.

d) Re-Notification

1) An SQG must renotify the Agency ~~re-notify USEPA~~ starting in 2021 and every four years thereafter using USEPA Form 8700-12. The SQG must submit this re-notification by September 1st of each year in which re-notification is required.

2) An LQG must renotify the Agency ~~USEPA~~ by March 1 of each even-numbered year thereafter using USEPA Form 8700-12. An LQG may submit this renotification as part of its annual report required by Section 722.141.

e) A recognized trader must not arrange for import or export of hazardous waste without having received a USEPA identification number from USEPA.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/?hwgenerators/?instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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

a) USEPA exclusively administers requirements for hazardous waste manifest forms and continuation sheets (USEPA Forms 8700-22 and 8700-22A-~~8700-12 and 8700-12A~~). USEPA prescribes the manifest form format, content, printing, and registration requirements in 40 CFR 262.21.

b) Use of Approved Manifests

1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e).

BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>.

2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

BOARD NOTE: This subsection (b) derives from 40 CFR 262.21(g)~~(2017)~~. It is the only provision in 40 CFR 262.21 that does not exclusively apply to the form format, content, printing, and registration requirements for manifests.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

Section 722.303 Notice of Election into the Subpart K Requirements

a) If an eligible academic entity elects to become subject to the requirements of this Subpart K, it must notify the Agency ~~and USEPA Region 5~~ of this election in writing using the Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number. If the eligible academic entity is a VSQG that does not have a USEPA identification number, the VSQG must notify the Agency and USEPA Region 5 that it has made this choice for all the laboratories that the eligible academic entity owns or operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to become subject to the requirements of this Subpart K. The eligible academic entity must submit USEPA Form 8700-12 to the Agency ~~and USEPA Region 5~~ before it begins operating under this Subpart K.

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity". USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/?hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

- "1. Reason for Submittal"
- "2. Site EPA identification number" (except for a VSQG)
- "3. Site Name"
- "4. Site Location Information"
- "5. Site Land Type"
- "6. North American Industry Classification System (NAICS) Code(s) for the Site"

BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

- "7. Site Mailing Address"
- "8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.

d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.

e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

(Source: Amended at 43 Ill. Reg. _____, effective
_____)

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs. An eligible academic entity must notify the Agency ~~and USEPA Region 5~~ in writing of this election using Notification of RCRA Subtitle C Activities (Site Identification Form) (~~the~~ USEPA Form 8700-12). If the eligible academic entity is a VSQG that does not have a USEPA identification number, it must notify the Agency and USEPA Region 5 that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that are on site. The eligible academic entity that is a VSQG that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code 722.114. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency ~~and USEPA Region 5~~ before it begins operating under the standards in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs, or Section 722.114, which are the generally applicable standards for VSQGs.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity". USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and .

b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

"1. Reason for Submittal"

"2. Site EPA identification number" (except for a VSQG)

"3. Site Name"

"4. Site Location Information"

"5. Site Land Type"

"6. North American Industry Classification System (NAICS) Code(s) for the Site"

BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

"7. Site Mailing Address"

"8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for three years after the date of the notification of withdrawal.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event

a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:

1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;

2) Notification. The VSQG must notify the Agency no later than 30 calendar days prior to initiating a planned episodic event using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12 ~~(Notification of RCRA Subtitle C Activities (Site Identification Form))~~). In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-and.

3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12;

4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:

A) Containers. A VSQG accumulating in containers must mark or label its containers with the following:

i) The words "Episodic Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. A VSQG accumulating episodic hazardous waste in tanks must do the following:

i) Mark or label the tank with the words "Episodic Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and

iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.

C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;

i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and

ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the

episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

7) A VSQG must maintain the following records for three years from the end date of the episodic event:

A) The beginning and end dates of the episodic event;

B) A description of the episodic event;

C) A description of the types and quantities of hazardous wastes generated during the event;

D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;

E) The names of hazardous waste transporters; and

F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:

1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;

2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-and.

3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and

4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads or in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:

A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:

i) The words "Episodic Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with the USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 722.116(b)(3) and must do the following:

i) Mark or label its tank with the words "Episodic Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and

iv) Keep inventory logs or records with the above information on site and available for inspection.

5) The SQG must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by 35 Ill. Adm. Code 720.110) within 60 calendar days from the start of the episodic event.

6) The SQG must maintain the following records for three years from the end date of the episodic event:

- A) The beginning and end dates of the episodic event;
- B) A description of the episodic event;
- C) A description of the types and quantities of hazardous wastes generated during the event;
- D) A description of how the hazardous waste was managed as well as the name of the designated facility (as defined by 35 Ill. Adm. Code 720.110) that received the hazardous waste;
- E) The names of hazardous waste transporters; and
- F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 722.333 Request to Manage One Additional Episodic Event Per Calendar Year

a) After obtaining a provisional variance from the Agency, a generator may conduct a second episodic event not to exceed 60 days in a calendar year without impacting its generator category under the following conditions:

1) If a VSQG or SQG has already held a planned episodic event in a calendar year, the generator may conduct an additional unplanned episodic event in that calendar year. The generator must submit a written request for a provisional variance to the Agency within 72 hours after the unplanned event.

2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year. The generator must obtain a provisional variance from the Agency before beginning the additional planned episodic ~~episodic~~ event.

b) The generator must submit the written request using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), identifying it as a request for an additional episodic request. The written request must include the following information:

- 1) The reasons why an additional episodic event is needed and the nature of the episodic event;
- 2) The estimated amount of hazardous waste to be managed from the event;
- 3) How the generator will manage the hazardous waste;
- 4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event - not to exceed 60 days; and
- 5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- c) The generator must submit the written request to the Agency, either on paper or electronically.
- d) The generator must retain written approval in its records for three years from the date the episodic event ended.
- e) If the Agency determines the following is true of the additional episodic event, the Agency must approve the request in writing:
 - 1) The prior episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 2) The additional episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 3) The additional episodic event fulfills the criteria of subsection (a)(1) or subsection (a)(2);
 - 4) The generator is legitimately having episodic events, and the generator is using this Section for true episodic events and not as a way to regularly avoid managing hazardous waste at a higher generator category;
 - 5) The generator will comply with the applicable requirements of Section 722.332(a)(4) through (a)(7) or (b)(4) through (b)(6); and
 - 6) The generator will manage the hazardous waste in a way that no violation of the Act or Board regulations ~~regulations~~ will occur.

BOARD NOTE: Any Agency determination made under this Section is not a "RCRA permit", as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705. A failure to obtain Agency approval as provided in this Section subjects the generator to higher generator category standards, and non-compliance may subject the generator to enforcement action.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

~~ILLINOIS REGISTER~~













~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

~~JCAR350722-1902795r01~~

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Legend:	
Insertion	
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Inserted cell	
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Moved cell	
Split/Merged cell	
Padding cell	

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