

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Waste Hauling
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) Section Numbers:  
809.103  
809.501                      Proposed Actions:  
Amendment  
Amendment
- 4) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 and 5/27].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are intended to allow Illinois transporters of State-regulated non-hazardous special waste to obtain and use functionally identical manifests to track such waste while avoiding the significant costs and burdens associated with utilization of United States Environmental Protection Agency's e-Manifest system.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will 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 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R19-18 and be addressed to:

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**NOV 20 2019**

STATE OF ILLINOIS  
Pollution Control Board

Clerk's Office  
Illinois Pollution Control Board

## POLLUTION CONTROL BOARD

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JRTC 100 W. Randolph St., Suite 11-500  
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov).

Interested persons may request copies of the Board's opinion and order in R19-18 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's Web site at [pcb.illinois.gov](http://pcb.illinois.gov).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Generators, haulers and disposal facilities of State-regulated special waste
  - B) Reporting, bookkeeping or other procedures required for compliance: Use of paper manifest to track waste and annual reporting to the Illinois Environmental Protection Agency
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 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 i: SOLID WASTE AND SPECIAL WASTE HAULING  
5

6 PART 809  
7 SPECIAL WASTE HAULING  
8

9 SUBPART A: GENERAL PROVISIONS  
10

11 Section

- 12 809.101 Authority, Policy and Purposes  
13 809.102 Severability  
14 809.103 Definitions  
15 809.104 Incorporations by Reference  
16 809.105 Public Records  
17

18 SUBPART B: SPECIAL WASTE HAULING PERMITS  
19

20 Section

- 21 809.201 Special Waste Hauling Permits – General  
22 809.202 Applications for Special Waste Hauling Permit – Contents  
23 809.203 Applications for Special Waste Hauling Permit – Signatures and Authorization  
24 809.204 Applications for Special Waste Hauling Permit – Filing and Final Action by the  
25 Agency  
26 809.205 Special Waste Hauling Permit Conditions  
27 809.206 Special Waste Hauling Permit Revision  
28 809.207 Transfer of Special Waste Hauling Permits  
29 809.208 Special Waste Hauling Permit Revocation  
30 809.209 Permit No Defense  
31 809.210 General Exemption from Special Waste Hauling Permit Requirements  
32 809.211 Exemptions for Special Waste Transporters  
33 809.212 Duration of Special Waste Hauling Permits  
34 809.213 Compliance with Federal Requirements  
35

36 SUBPART C: DELIVERY AND ACCEPTANCE  
37

38 Section

- 39 809.301 Requirements for Delivery of Special Waste to Transporters  
40 809.302 Requirements for Acceptance of Special Waste from Transporters  
41

42 SUBPART D: PERMIT AVAILABILITY AND SYMBOLS  
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44	Section	
45	809.401	Permit Availability
46	809.402	Special Waste Symbols
47		
48		SUBPART E: MANIFESTS, RECORDS AND REPORTING
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50	Section	
51	809.501	Manifests, Records, Access to Records, Reporting Requirements and Forms
52		
53		SUBPART F: DURATION OF SPECIAL WASTE HAULER
54		PERMITS AND TANK NUMBERS
55		
56	Section	
57	809.601	Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)
58		
59		SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS
60		
61	Section	
62	809.701	General Provision
63		
64		SUBPART H: EFFECTIVE DATES
65		
66	Section	
67	809.801	Compliance Date
68	809.802	Exceptions (Repealed)
69		
70		SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE
71		
72	Section	
73	809.901	Definitions (Repealed)
74	809.902	Disposal Methods (Repealed)
75	809.903	Rendering Innocuous by Sterilization (Repealed)
76	809.904	Rendering Innocuous by Incineration (Repealed)
77	809.905	Recordkeeping Requirements for Generators (Repealed)
78	809.906	Defense to Enforcement Action (Repealed)
79		
80		SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED
81		UNDER THE UNIFORM PROGRAM
82		
83	Section	
84	809.910	Uniform State Hazardous Waste Transportation Registration and Permit Program
85		(Repealed)
86	809.911	Application for a Uniform Permit (Repealed)

- 87 809.912 Application for Uniform Registration (Repealed)
- 88 809.913 Payment of Processing and Audit Fees (Repealed)
- 89 809.914 Payment of Apportioned Mile Fees (Repealed)
- 90 809.915 Submittal of Fees (Repealed)
- 91 809.916 Previously Permitted Transporters (Repealed)
- 92 809.917 Uniform Registration and Uniform Permit Conditions (Repealed)
- 93 809.918 Uniform Registration and Uniform Permit Revision (Repealed)
- 94 809.919 Transfer of Uniform Registration and Uniform Permits (Repealed)
- 95 809.920 Audits and Uniform Registration and Uniform Permit Revocation (Repealed)
- 96 809.921 Permit No Defense (Repealed)
- 97 809.1001 Transporters Previously Permitted Under Uniform Hazardous Waste  
98 Transportation Permit and Registration Program

100 809.APPENDIX A Old Rule Numbers Referenced (Repealed)

101

102 AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by  
103 Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and  
104 27] (see P.A. 90-219).

105

106 SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979;  
107 emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7,  
108 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg.  
109 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB  
110 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg.  
111 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective  
112 September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8  
113 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended  
114 in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635,  
115 effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999;  
116 amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20(A)  
117 at 34 Ill. Reg. 3317, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398,  
118 effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. 12332, effective July 18, 2012;  
119 amended in R13-08 at 37 Ill. Reg. 1206, effective January 15, 2013; amended in R19-18 at 44 Ill.  
120 Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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SUBPART A: GENERAL PROVISIONS

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124 **Section 809.103 Definitions**

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

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"Agency" means the Illinois Environmental Protection Agency.

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"Board" means the Illinois Pollution Control Board.

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

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

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

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

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.2203-15 of the Act.

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

173 *packaging materials, uncontaminated machinery components, general household*  
174 *waste, landscape waste and construction or demolition debris.* [415 ILCS  
175 5/3.235]  
176

177 "Manifest" means the form prescribed by the Agency or USEPA and used for  
178 identifying name, quantity, and the origin, routing, and destination of special  
179 waste during its transportation from the point of generation to the point of  
180 disposal, treatment, or storage, as required by the Act, this Part, 35 Ill. Adm.  
181 Code: Subtitle G, or by the Resource Conservation and Recovery Act of 1976 (42  
182 USC 6901 et seq.) or regulations ~~thereunder~~.  
183

184 "Nonhazardous special waste" means any special waste, as defined in this  
185 Section, that has not been identified, by characteristics or listing, as hazardous  
186 ~~under pursuant to~~ section 3001 of the Resource Conservation and Recovery Act of  
187 1976 (42 USC 6901 et seq.) or under pursuant to Board regulations.  
188

189 "On-site" means on the same or geographically contiguous property under the  
190 control of the same person even if such contiguous property is divided by a public  
191 or private right-of-way. Non-contiguous properties owned by the same person but  
192 connected by a right-of-way that the person controls, and to which the public does  
193 not have access, is also considered on-site property.  
194

195 "Permitted disposal site" means a sanitary landfill or other type of disposal site,  
196 including but not limited to a deep well, a pit, a pond, a lagoon or an  
197 impoundment that has a current, valid operating permit issued by the Agency and  
198 a supplemental permit issued by the Agency specifically permitting the site to  
199 accept a special waste tendered for disposal.  
200

201 "Permitted storage site" means any site used for the interim containment of  
202 special waste prior to disposal or treatment that has a current, valid operating  
203 permit issued by the Agency and a supplemental permit issued by the Agency  
204 specifically permitting the site to accept a special waste tendered for storage.  
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206 "Permitted treatment site" means any site used to change the physical, chemical or  
207 biological character or composition of any special waste, including but not limited  
208 to a processing center, a reclamation facility or a recycling center that has a  
209 current, valid operating permit issued by the Agency and a supplemental permit  
210 issued by the Agency specifically permitting the site to accept a special waste  
211 tendered for treatment.  
212

213 "*Person*" is any individual, partnership, co-partnership, firm, company,  
214 corporation, association, joint stock company, trust, estate, political subdivision,  
215 state agency, or any other legal entity or their legal representative, agent or

216 assignee. [415 ILCS 5/3.315]

217

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

226

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

229

230 "Refuse" means any garbage or other discarded materials, with the exception of  
231 radioactive materials discarded in compliance with the provisions of  
232 the Radiation Protection Act [420 ILCS 40] and Radioactive Waste Storage Act  
233 [420 ILCS 35]. (See "Waste".)

234

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

237

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

241

242 "Solid waste" (see "Waste").

243

244 "Special waste" means any of the following:

245

246 *Potentially infectious medical waste;*

247

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

253

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

255

256 *Any such waste certified by its generator, pursuant to Section*  
257 *22.48 of the Act, not to be any of the following:*

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259 *A liquid, as determined using the paint filter test set forth in*  
260 *35 Ill. Adm. Code 811.107(m)(3)(A);*

261  
262 *Regulated asbestos-containing waste materials, as defined*  
263 *under the National Emission Standards for Hazardous Air*  
264 *Pollutants in 40 CFR 61.141;*

265  
266 *Polychlorinated biphenyls (PCBs) regulated pursuant to 40*  
267 *CFR 761;*

268  
269 *An industrial process waste or pollution control waste*  
270 *subject to the waste analysis and recordkeeping*  
271 *requirements of 35 Ill. Adm. Code 728.107 under the land*  
272 *disposal restrictions of 35 Ill. Adm. Code 728; and*

273  
274 *A waste material generated by processing recyclable*  
275 *metals by shredding and required to be managed as a*  
276 *special waste under Section 22.29 of the Act;*

277  
278 *Any empty portable device or container, including but not limited*  
279 *to a drum, in which a special waste has been stored, transported,*  
280 *treated, disposed of, or otherwise handled, provided that the*  
281 *generator has certified that the device or container is empty and*  
282 *does not contain a liquid, as determined using the paint filter test*  
283 *set forth in 35 Ill. Adm. Code 811.107(m)(3)(A). "Empty portable*  
284 *device or container" means a device or container in which removal*  
285 *of special waste, except for a residue that shall not exceed one inch*  
286 *in thickness, has been accomplished by a practice commonly*  
287 *employed to remove materials of that type. An inner liner used to*  
288 *prevent contact between the special waste and the container shall*  
289 *be removed and managed as a special waste; or*

290  
291 *As may otherwise be determined under Section 22.9 of the Act.*  
292 *[415 ILCS 5/3.475]*

293  
294 "Special waste hauling vehicle" means any self-propelled motor vehicle, except a  
295 truck tractor without a trailer, used to transport special waste in bulk or packages,  
296 tanks, or other containers.

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

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301 "Spill" means any accidental discharge of special waste.

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

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

*"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render it nonhazardous. [415 ILCS 5/3.505] Treatment also includes reclamation, re-use and recycling of special waste.*

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

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

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

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

*"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135 of the Act, or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3.535]*

345 "Washwater", as used in this Part, means a mixture of water, nonhazardous  
346 cleaning compounds, and residue that results from cleaning surfaces and  
347 equipment and that is collected separately from sewage.  
348

349 "Wastewater", as used in this Part, means stormwater, surface water, groundwater  
350 or nonhazardous washwater that has been contaminated with used oil but has not  
351 been mixed with sewage, industrial waste or any other waste.  
352

353 (Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
354

355 SUBPART E: MANIFESTS, RECORDS AND REPORTING  
356

357 **Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and**  
358 **Forms**  
359

- 360 a) Any person who delivers special waste to a permitted special waste transporter  
361 ~~must~~ shall complete a ~~uniform hazardous waste~~ manifest to accompany the special  
362 waste from delivery to the destination of the special waste. The following are  
363 exceptions to this requirement:  
364
- 365 1) The generator or transporter is not required to complete a manifest for  
366 used oil that is defined by and managed in compliance with 35  
367 Ill. Adm. Code 739.  
368
  - 369 2) The generator or transporter is not required to complete a manifest for the  
370 following used oil mixtures, provided that the generator or transporter  
371 complies with the informational requirements of 35 Ill. Adm. Code  
372 739.146(a) and 35 Ill. Adm. Code 809.501(b):  
373
  - 374 A) Mixtures of used oil as defined by and managed in  
375 compliance with 35 Ill. Adm. Code 739 and hazardous  
376 waste, both generated and mixed by a conditionally exempt small  
377 quantity generator of hazardous waste, provided that the mixture  
378 contains more than 50 percent used oil by either volume or weight;  
379
  - 380 B) Mixtures of used oil as defined by and managed in  
381 compliance with 35 Ill. Adm. Code 739 and  
382 characteristic hazardous waste, with a Btu per pound content  
383 greater than 5,000 prior to being mixed with the used oil, when:  
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  - 385 i) the characteristic has been extinguished in the resultant  
386 mixture;  
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- ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
  - iii) the mixture contains more than 50 percent used oil by either volume or weight;
- C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
- D) Used oil as defined by and managed in ~~compliance~~ accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.
- b) The generator ~~must~~ shall include in the manifest the following:
- 1) The name of the generator of the special waste and generator number;
  - 2) Information stating when and where the special waste was generated;
  - 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
  - 4) The name and permit number of the transporter;
  - 5) The date of delivery; and
  - 6) The classification and quantity of the special waste delivered to the transporter.
- c) ~~For hazardous waste, the~~ The manifest will consist of forms prescribed by USEPA for the Uniform Hazardous Waste Manifest and will be distributed in compliance with those requirements. For nonhazardous special waste, the manifest will consist of forms prescribed by the Agency, provided that the forms must comply with the requirements of Section 22.01 of the Act and may be purchased from a third party. The person who delivers special waste to a special waste transporter ~~must~~ shall retain the designated parts of the manifest as a record. The remaining parts of the manifest ~~must~~ shall accompany the special waste shipment. At the destination, the manifest ~~must~~ shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

- 431 d) A permitted site that receives special waste for disposal, storage or treatment of  
 432 special waste must be designated on the manifest as the final destination point.  
 433 Any subsequent delivery of the special waste or any portion or product thereof to  
 434 a special waste transporter ~~must~~shall be conducted under a manifest initiated by  
 435 the permitted disposal, storage or treatment site.  
 436
- 437 e) In all cases, the special waste transporter ~~must~~shall deliver the designated parts of  
 438 the complete, signed manifest to the person who accepts delivery of special waste  
 439 from the transporter. The special waste transporter ~~must~~shall retain the  
 440 designated part of the complete, signed manifest as a record of delivery to a  
 441 permitted disposal, storage or treatment site. In addition, at the end of each  
 442 month, or longer if approved by the Agency, the owner and the operator of the  
 443 permitted disposal, storage or treatment site who accepts special waste from a  
 444 special waste transporter ~~must~~shall send the designated part of the completed  
 445 manifest to the person who delivered the special waste to the special waste  
 446 transporter.  
 447
- 448 f) Every generator who delivers special waste to a special waste transporter, every  
 449 person who accepts special waste from a special waste transporter and every  
 450 special waste transporter ~~must~~shall retain their respective parts of the special  
 451 waste manifest as a record of all special waste transactions. These parts ~~must~~shall  
 452 be retained for three years and will be made available at reasonable times for  
 453 inspection and photocopying by the Agency.  
 454
- 455 BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and  
 456 725 relative to RCRA hazardous wastes are not affected by this subsection.  
 457
- 458 g) Every in-State facility that accepts nonhazardous special waste from a special  
 459 waste transporter ~~must~~shall file a report, on forms prescribed or provided by the  
 460 Agency, summarizing all such activity during the preceding calendar year. Such  
 461 reports should, at a minimum, include the information specified in subsection (h)  
 462 ~~of this Section~~ and be received by the Agency no later than February 1. This  
 463 subsection is applicable to all nonhazardous special wastes that are delivered to a  
 464 special waste transporter on or after January 1, 1991.  
 465
- 466 h) Every annual report required to be filed with the Agency by a person accepting  
 467 nonhazardous special waste from a special waste transporter pursuant to  
 468 subsection (g) ~~of this Section~~ ~~must~~shall include the following information:  
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- 470 1) The IEPA identification number, name and address of the facility;
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  - 472 2) The period (calendar year) covered by the report;
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- 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
  - 4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information ~~must~~shall be listed by IEPA identification number of each generator;
  - 5) The method of treatment, storage or disposal for each nonhazardous special waste; and
  - 6) A certification signed by the owner or operator of the facility or the owner's or operator's authorized representative.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 809  
SPECIAL WASTE HAULING

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809.921 Permit No Defense (Repealed)



809.1001 Transporters Previously Permitted Under Uniform Hazardous  
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809.APPENDIX A Old Rule Numbers Referenced (Repealed)

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

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20(A) at 34 Ill. Reg. 3317, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398, effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. 12332, effective July 18, 2012; amended in R13-~~808~~ at 37 Ill. Reg. 1206, effective January 15, 2013; amended in R19-18 at 44 Ill. Reg. = \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 809.103 Definitions

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

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

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

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

"Garbage" is waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling,

processing, storage and sale of produce. [415 ILCS 5/3.200] (See "Waste".)

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

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section ~~3.153.220~~3.220 of the Act.

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

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

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

"On-site" means on the same or geographically contiguous property under-~~pursuant to~~ the control of the same person even if such contiguous property is divided by a public or private right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

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

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

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

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

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

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

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

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

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

"Solid waste" (see "Waste").

"Special waste" means any of the following:

Potentially infectious medical waste;

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

Industrial process waste or pollution control waste, except:

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

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

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

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

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

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

Any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107 ~~of Title 35 of the Illinois Administrative Code~~ (m) (3) (A). "Empty portable device or container" means a device or container in which removal of special waste, except for a residue that

shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or

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

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

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

"Spill" means any accidental discharge of special waste.

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

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

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

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

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

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

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

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

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not



include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135 of the Act, or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (~~68 Stat. 921~~42 USC 2011 et seq.) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3.535]

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

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

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART E: MANIFESTS, RECORDS AND REPORTING

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

a) Any person who delivers special waste to a permitted special waste transporter must ~~shall~~ complete a ~~uniform hazardous waste~~ manifest to accompany the special waste from delivery to the destination of the special waste. The following are exceptions to this requirement:

1) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in compliance-~~accordance~~ with 35 Ill. Adm. Code 739.

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

A) Mixtures of used oil as defined by and managed in compliance-~~accordance~~ with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;

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

- i) the characteristic has been extinguished in the resultant mixture;
- ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
- iii) the mixture contains more than 50 percent used oil by either volume or weight;

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

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

b) The generator must ~~shall~~ include in the manifest the following:

- 1) The name of the generator of the special waste and generator number;
- 2) Information stating when and where the special waste was generated;
- 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
- 4) The name and permit number of the transporter;
- 5) The date of delivery; and
- 6) The classification and quantity of the special waste delivered to the transporter.

c) For hazardous waste, the ~~The~~ manifest will consist of forms prescribed by USEPA for the Uniform Hazardous Waste Manifest and will be distributed in compliance ~~accordance~~ with those requirements. For nonhazardous special waste, the manifest will consist of forms prescribed by the Agency, provided that the forms must comply with the requirements of Section 22.01 of the Act and may be purchased from a third party. The person who delivers special waste to a special waste transporter must ~~shall~~ retain the designated parts of the manifest as a record. The remaining parts of the manifest must ~~shall~~ accompany the special waste shipment. At the destination, the manifest must ~~shall~~ be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

d) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste

or any portion or product thereof to a special waste transporter must ~~shall~~ be conducted under a manifest initiated by the permitted disposal, storage or treatment site.

e) In all cases, the special waste transporter must ~~shall~~ deliver the designated parts of the complete, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter must ~~shall~~ retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste transporter must ~~shall~~ send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.

f) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter must ~~shall~~ retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts must ~~shall~~ be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.

BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection.

g) Every in-State facility that accepts nonhazardous special waste from a special waste transporter must ~~shall~~ file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports should, at a minimum, include the information specified in subsection (h) ~~of this Section~~ and be received by the Agency no later than February 1. This subsection is applicable to all nonhazardous special wastes that are delivered to a special waste transporter on or after January 1, 1991.

h) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a special waste transporter pursuant to subsection (g) ~~of this Section~~ must ~~shall~~ include the following information:

- 1) The IEPA identification number, name and address of the facility;
- 2) The period (calendar year) covered by the report;
- 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;



4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information must ~~shall~~ be listed by IEPA identification number of each generator;

5) The method of treatment, storage or disposal for each nonhazardous special waste; and

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

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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