

From: [McCambridge, Michael](#)
To: [Brown, Don](#)
Cc: [Foxworth, Ukanno](#); [Jennings, James M.](#); [Tipsord, Marie](#); [McGill, Richard](#); [Fox, Tim](#)
Subject: RE: IEPA items re generator improvement rule reg cleanup
Date: Wednesday, January 8, 2020 5:18:38 PM
Attachments: [Agency-Requested Revisions to 35-722 \(1-8-20\).pdf](#)

Please enter this e-mail and the attachment as a public comment in the R20-8 RCRA Subtitle C update.

From: Jennings, James M.
Sent: Wednesday, January 8, 2020 5:06 PM
To: McCambridge, Michael <Michael.McCambridge@illinois.gov>
Cc: Foxworth, Ukanno <Ukanno.Foxworth@Illinois.gov>
Subject: IEPA items re generator improvement rule reg cleanup

Good afternoon Mike,

I hope you had a wonderful holiday season. Shortly before Christmas, we discussed some minor tweaks the Agency flagged in 35 Ill. Adm. Code 722 that we felt were necessary to effectively allow the GIR updates to blend with other applicable state law. During our conversation, you recommended that our team forward our suggestions to you. Attached is our cut at those minor changes. If you have any questions or would like any additional input from our group, please let me know.

Thanks

James Jennings
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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

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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722.112	USEPA Identification Numbers (Repealed)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
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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
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SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO SMALL
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SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO
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- 722.132 Marking
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**SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS**

Section

- 722.140 Recordkeeping
- 722.141 Annual Reporting for Large Quantity Generators
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- 722.144 Recordkeeping for Small Quantity Generators
- 722.150 Applicability (Repealed)
- 722.151 Definitions (Repealed)
- 722.152 General Requirements (Repealed)
- 722.153 Notification of Intent to Export (Repealed)
- 722.154 Special Manifest Requirements (Repealed)
- 722.155 Exception Report (Repealed)
- 722.156 Annual Reports (Repealed)
- 722.157 Recordkeeping (Repealed)
- 722.158 International Agreements (Repealed)
- 722.160 Imports of Hazardous Waste (Repealed)

SUBPART G: FARMERS

Section

- 722.170 Farmers

**SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE
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Section

- 722.180 Applicability
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- 722.182 General Conditions
- 722.183 Exports of Hazardous Waste
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- 722.185 Contracts (Repealed)
- 722.186 Provisions Relating to Recognized Traders (Repealed)
- 722.187 Reporting and Recordkeeping (Repealed)
- 722.189 OECD Waste Lists (Repealed)

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS
WASTE DETERMINATION AND ACCUMULATION OF UNWANTED
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722.310	Hazardous Waste Determination in the Laboratory
722.311	Hazardous Waste Determination at an On-Site Central Accumulation Area
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722.313	Laboratory Clean-Outs
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722.330	Applicability
722.331	Definitions for this Subpart L
722.332	Conditions for a Generator Managing Hazardous Waste from an Episodic Event
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SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY
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722.350	Applicability
722.351	Maintenance and Operation of Facility
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722.353	Testing and Maintenance of Equipment
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722.360	Purpose and Implementation of Contingency Plan
722.361	Content of Contingency Plan
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722.363	Amendment of Contingency Plan
722.364	Emergency Coordinator
722.365	Emergency Procedures

722.APPENDIX A Hazardous Waste Manifest (Repealed)

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. 5955, May 2, 2019.

SUBPART A: GENERAL

Section 722.122 Number of Copies

The manifest consists of at least that number of copies that will provide the generator; each transporter; and the owner or operator of the designated receiving treatment, storage, or disposal facility each with one copy for their records, plus provide one copy to be returned to the generator; ~~plus provide two copies to be sent to the Agency, one by each of the generator and the receiving treatment, storage, or disposal facility owner or operator.~~

(Source: Amended at 19 Ill. Reg. 9935, effective June 27, 1995)

Section 722.123 Use of the Manifest

- a) The generator must do the following:
 - 1) Sign the manifest certification by hand;
 - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - 3) Retain one copy, in accordance with Section 722.140(a); ~~and~~
 - 4) ~~Send one copy of the manifest to the Agency within two working days.~~
- b) The generator must give the transporter the remaining copies of the manifest.
- c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.
- d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:
 - 1) The next non-rail transporter, if any;
 - 2) The designated receiving facility, if the waste is transported solely by rail; or
 - 3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.

BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

- e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.
- f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:
 - 1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:
 - A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - B) Item 18c of the original manifest if the original manifest is used for the returned shipment;
 - 2) The generator must provide a copy of the manifest to the transporter;
 - 3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and
 - 4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

BOARD NOTE: The use of the term "non-empty containers" in this subsection (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty containers", for the purposes of this subsection (f), are containers that are not deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That rule allows a container that still contains waste residues to be considered "empty" under specified conditions. Thus, "container residues contained in non-empty containers" are subject to regulation as hazardous waste, and the requirements of this subsection (f) apply to those residues.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.141 Annual Reporting for Large Quantity Generators

- a) A generator that is an LQG for at least one month of any calendar year (reporting year) shipping any hazardous waste off site to a treatment, storage or disposal facility within the United States must complete and submit an annual report to the Agency by March 1 of the following year. The annual report must be submitted on a form supplied by the Agency, and it must cover generator activities during the previous calendar year.
- b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposing of hazardous waste on site must complete and submit to the Agency by March 1 of the following ~~even-numbered~~ year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG pursuant to Section 722.117(f).
- c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)