

ILLINOIS POLLUTION CONTROL BOARD
May 21, 2020

IN THE MATTER OF:)
)
AMENDMENTS TO MANIFESTING) R19-18
REQUIREMENTS: SPECIAL WASTE) (Rulemaking - Land)
HAULING 35 ILL. ADM. CODE 809)

Proposed Rule. Second Notice.

ORDER OF THE BOARD (by B. F. Currie):

On November 7, 2019, the Board adopted amendments to the special waste hauling rules to First Notice and submitted the proposed rules for publication in the *Illinois Register*. After considering each of the first notice comments, the Board in its order below proposes the amendments to Part 809 for second notice and submits the proposal to the Joint Committee on Administrative Rules (JCAR) for second-notice review. *See* 5 ILCS 100/5-40(c) (2018).

Below, the Board describes the procedural background of this proceeding, followed by a summation of the regulatory background. The Board then discusses the comments received on the first notice proposal and concludes by explaining the Board's reasons for proceeding to second notice with the proposal, without making substantive changes to the rule language.

FIRST NOTICE PROCEDURAL HISTORY

On November 7, 2019, the Board adopted a first notice opinion and order amending the manifesting requirements of the Board's special waste hauling rules. *See* 43 Ill. Reg. 13361 (Nov. 22, 2019) (Part 809).

In total, five documents were filed as public comments after first notice adoption. The Board docketed a November 21, 2019, email between the staff of JCAR and the Board as a public comment (PC 5). Next, on December 20, 2019, the Board received public comments from Stericycle (PC 6) and Heritage Environmental Services, LLC (Heritage) (PC 7). Then, on January 2, 2020, the Board received IEPA's First Notice Comments (PC 8). On February 4, 2020, the Board received public comments from Clean Harbors (PC 9). Lastly, On February 6, 2020, the Board received public comments from Heritage-Crystal Clean, LLC (Crystal Clean) (PC 10).

FIRST NOTICE COMMENTS

The Board received First Notice Comments from IEPA as well as from four companies whose business involves hauling non-hazardous special waste in Illinois. The industry comments support the rule, but request flexibility on the required forms. *See generally* PC 6, 7, 9, and 10. Below, the Board will briefly summarize the first notice comments.

IEPA (PC 8)

In the November 7, 2019, Board Order, the Board requested that IEPA file the proposed Non-Hazardous Special Waste Manifest form into the record once it was developed. On January 2, 2020, the IEPA filed its First Notice Comments which consisted of a copy of IEPA's draft Illinois Non-Hazardous Special Waste Manifest, including form instructions. PC 8.

Stericycle (PC6)

Stericycle requests that IEPA not prescribe a particular form, but instead allow haulers to use forms that are "already in use and commercially available" for non-hazardous waste. PC 6 at 1. Stericycle states that allowing haulers to use existing forms would prevent the possible administrative and financial burden of changing systems, developing new templates, or needing to modify the existing systems to handle the new template. *Id.* Stericycle also requests that the uniform hazardous waste manifest prescribed by USEPA could still be used for shipments of non-hazardous wastes. *Id.* at 2. This would be beneficial if a company was hauling both hazardous and non-hazardous waste. *Id.* Stericycle then suggests rule-language to that effect. *Id.*

Heritage (PC 7)

Heritage agrees with Stericycle regarding IEPA prescribing specific forms and the costs that could result, but also asks that IEPA either; 1) allow stakeholders to submit forms to IEPA for approval; or 2) specify the information required on the form, without prescribing the document design/layout. PC 7 at 2. Heritage attached a form it developed to accommodate non-hazardous waste and US Department of Transportation (USDOT) hazardous waste. *Id.* at 2-3.

Clean Harbor (PC 9)

Clean Harbor also supports the Board proposal to eliminate USEPA's electronic manifest requirement for non-hazardous waste, and asks that IEPA not prescribe a specific form, but rather require any form used by haulers to comply with Section 809.501(b). PC 9 at 1. Clean Harbors currently uses a manifest that is USDOT compliant for non-hazardous waste, throughout the country. *Id.* Similar to other public comments, Clean Harbor claims that it has systems in place to print, track, and collect shipment information from them, and that requiring specific forms could force industry to incur additional costs to modify computer systems. *Id.* at 1-2.

Crystal Clean (PC 10)

Crystal Clean similarly supports amending the current rule to remove the USEPA electronic manifest requirement and adds that removing the USEPA requirement will help prevent Illinois Special Waste from being misidentified as federal hazardous waste. PC 10 at 1. Additionally, Crystal Clean agrees with the other industry participants that the new rule should allow flexibility for which form can be used, as that may allow companies to require only minor adjustments and minimal costs to transition. *Id.*

BOARD DISCUSSION

At first notice, the Board found that the rulemaking proposal would alleviate economic and administrative burdens on the regulated community. First Notice Opinion at 6. However, the four companies affected by the proposed rules raised concerns regarding the proposed nonhazardous special waste manifest form provision under Section 809.501(c).

These regulated entities express concern regarding the type of form that must be used when manifesting nonhazardous special waste. The proposed rule language at Section 809.501(c) requires IEPA to prescribe forms that comply with Section 22.01 of the Act that could be printed by third parties. All four companies express concern that an IEPA form would, if different from what the companies had already developed, impose increased financial and administrative costs. *See generally*, PC 6, 7, 9, and 10.

The Board recognizes the concerns about the prescribed form raised by the regulated community. However, the provision to use the forms prescribed by the Agency at Section 809.501(c) is based on the statutory requirement under Section 22.01 of the Act that, in part, states as follows:

Sec. 22.01. Manifests for nonhazardous special waste. When manifests are required by the Board for the shipment of nonhazardous special waste, ***the manifests shall consist of forms prescribed by the Agency. The forms must comply with the requirements of this Section and may be purchased from a third party.*** (Emphasis added.)

The Board notes that while the proposed first notice amendments to Section 809.501(c) is based on Section 22.01 of the Act, the rule language may create some ambiguity by deviating from the statutory language. To avoid any confusion, the Board modifies the proposed language under Section 809.501(c) to more closely track the statutory language as follows:

For hazardous waste, 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 manifest shall consist of forms prescribed by the Agency. The forms must comply with the requirements of Section 22.01 of the Act and may be purchased from a third party.* (415 ILCS 5/22.01). 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.

The Board notes that the draft manifest form filed by IEPA include instructions which clarify, consistent with Section 22.01 of the Act, that forms printed by third parties can be used, as long as they are “substantially identical” to the IEPA’s form. PC 8 at 4. Thus, the rule allows

the use of forms developed by the regulated entities as long as those forms conform with Section 22.01 of the Act, and include all information required in the form prescribed by the Agency.

The Board finds again at second notice that the proposed rule will alleviate economic and administrative burdens placed on the regulated community. The record after first notice publication further establishes that the USEPA's e-Manifest requirements places additional costs and administrative burdens on the state-regulated nonhazardous special waste generators, haulers and receivers. Further, these additional costs and administrative burdens do not come with any additional environmental benefits. Thus, the proposed amendments will reduce the financial and administrative burdens, while ensuring adequate IEPA oversight of state-regulated nonhazardous special waste.

TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

Economic Impact Study

As required by Section 27(b) of the Act (415 ILCS 5/27(b)), the Board in a letter dated March 19, 2019, that DCEO conduct an economic impact study of IEPA's proposed rules. The Board requested DCEO determine by April 30, 2019, whether it would conduct such a study. The Board received no response to this request. No person at either hearing testified or commented on the Board's request or the lack of a response to it from DCEO. Tr.1 at 61-62; Tr.2 at 6-7.

Technical Feasibility

IEPA's proposal will revert to the historical system used in Illinois for state-regulated nonhazardous special waste. First Notice Opinion at 5. IEPA believes this will alleviate the administrative burden imposed by USEPA's e-Manifest on those state-regulated entities, while maintaining oversight by IEPA. *Id.* The proposal returns to requiring annual reporting to IEPA for state-regulated nonhazardous special waste. *Id.* The proposal will not affect the use of the e-Manifest system for wastes regulated under the USEPA's e-Manifest system. *Id.*

The first notice comments have not addressed the technical feasibility of the Board's proposal, and the record does not dispute the conclusion the Board reached in its first notice opinion. Accordingly, the Board concludes that its second-notice proposal is technically feasible.

Economic Reasonableness

In its first notice opinion, the Board noted IEPA's argument that the rulemaking proposal "will prevent Illinois transporters and facilities from being unnecessarily forced to pay significant fees to USEPA." First Notice Opinion at 5. IEPA believes that the money saved can be "reinvested into those Illinois businesses and the communities they help to grow and support." *Id.* IEPA states that the rule change will "enable generators, transporters, and receiving facilities dealing with state-regulated, non-hazardous special waste to continue to operate safely and

efficiently without the drastic changes to technology and staffing needed to comply with the e-Manifest system.” *Id.*

Illinois Association of Wastewater Agencies (IAWA) noted that prior to the effective date of the USEPA e-manifest regulations, paper manifests costing approximately \$.50 each were used to track nonhazardous waste. First Notice Opinion at 5. IAWA further noted that with the USEPA e-manifest regulations in place, the costs for manifests are \$6.50 to \$15.00. *Id.* IAWA stated that its members are “on track to expend \$100,000 or more in fees to USEPA annually.” *Id.*

Stericycle also states that amending regulations to remove the USEPA e-manifest requirement from transportation of non-hazardous waste would alleviate financial and administrative burdens faced by haulers. PC 6 at 1, *see also* First Notice Opinion at 5.

Based on the record after first notice comment, the Board again concludes the proposed amendments to Part 809 are economically reasonable.

CONCLUSION

The Board proposes for second notice amendments to Part 809 of the Board’s regulations governing special waste hauling for JCAR review.

ORDER

The Board directs the Clerk to submit its proposal to JCAR for second-notice review.

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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SUBPART E: MANIFESTS, RECORDS AND REPORTING

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SUBPART F: DURATION OF SPECIAL WASTE HAULER PERMITS AND TANK NUMBERS

Section	
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SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

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SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

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809.902	Disposal Methods (Repealed)
809.903	Rendering Innocuous by Sterilization (Repealed)
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809.905	Recordkeeping Requirements for Generators (Repealed)
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UNDER THE UNIFORM PROGRAM

Section	
809.910	Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)
809.911	Application for a Uniform Permit (Repealed)
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809.913	Payment of Processing and Audit Fees (Repealed)
809.914	Payment of Apportioned Mile Fees (Repealed)
809.915	Submittal of Fees (Repealed)
809.916	Previously Permitted Transporters (Repealed)
809.917	Uniform Registration and Uniform Permit Conditions (Repealed)
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809.920	Audits and Uniform Registration and Uniform Permit Revocation (Repealed)
809.921	Permit No Defense (Repealed)
809.1001	Transporters Previously Permitted Under Uniform Hazardous Waste Transportation Permit and Registration Program

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 R13-08 at 37 Ill. Reg. 1206, effective January 15, 2013; amended in R19-18 at 43 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 ~~3.2203-15~~ 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 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 ~~underpursuant 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 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(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 (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 manifest shall consist of forms prescribed by the Agency. The forms must comply with the requirements of Section 22.01 of the Act and may be purchased from a third party. (415 ILCS 5/22.01). 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~~ shall 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 ~~under~~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 _____)

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 21, 2020, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board