

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 722
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
722.110	Amendment
722.113	Amendment
722.114	Amendment
722.115	Amendment
722.116	Amendment
722.117	Amendment
722.122	Amendment
722.123	Amendment
722.141	Amendment
722.181	Amendment
722.182	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 722 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720, 721, 723 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register*, summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 722 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by JCAR.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. The tables list the deviations from the literal text of the federal amendments and the several necessary

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corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R20-3/R20-11.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace any 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(b)].
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R20-3/R20-11:

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15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

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

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

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

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

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

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

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SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
 APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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

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SUBPART G: FARMERS

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74	Section	
75	722.170	Farmers

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SUBPART H: TRANSBOUNDARY SHIPMENTS OF
 HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

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80	Section	
81	722.180	Applicability
82	722.181	Definitions
83	722.182	General Conditions
84	722.183	Exports of Hazardous Waste
85	722.184	Imports of Hazardous Waste
86	722.185	Contracts (Repealed)

- 87 722.186 Provisions Relating to Recognized Traders (Repealed)
- 88 722.187 Reporting and Recordkeeping (Repealed)
- 89 722.189 OECD Waste Lists (Repealed)

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91 SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE
92 DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR
93 LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES
94

95 Section

- 96 722.300 Definitions
- 97 722.301 Applicability
- 98 722.302 Opting into the Subpart K Requirements
- 99 722.303 Notice of Election into the Subpart K Requirements
- 100 722.304 Notice of Withdrawal from the Subpart K Requirements
- 101 722.305 Summary of the Requirements of this Subpart K
- 102 722.306 Container Standards in the Laboratory
- 103 722.307 Personnel Training
- 104 722.308 Removing Unwanted Material from the Laboratory
- 105 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the
106 Laboratory
- 107 722.310 Hazardous Waste Determination in the Laboratory
- 108 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
- 109 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal
110 Facility
- 111 722.313 Laboratory Clean-Outs
- 112 722.314 Laboratory Management Plan
- 113 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
- 114 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

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116 SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION
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118 Section

- 119 722.330 Applicability
- 120 722.331 Definitions for this Subpart L
- 121 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic
122 Event
- 123 722.333 Request to Manage One Additional Episodic Event Per Calendar Year
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125 SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY
126 PROCEDURES FOR LARGE QUANTITY GENERATORS

127 Section

- 128 722.350 Applicability
- 129 722.351 Maintenance and Operation of Facility

- 130 722.352 Required Equipment
- 131 722.353 Testing and Maintenance of Equipment
- 132 722.354 Access to Communications or Alarm System
- 133 722.355 Required Aisle Space
- 134 722.356 Arrangements with Local Authorities
- 135 722.360 Purpose and Implementation of Contingency Plan
- 136 722.361 Content of Contingency Plan
- 137 722.362 Copies of Contingency Plan
- 138 722.363 Amendment of Contingency Plan
- 139 722.364 Emergency Coordinator
- 140 722.365 Emergency Procedures

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142 722.APPENDIX A Hazardous Waste Manifest (Repealed)

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

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147 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 148 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
 149 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,
 150 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at
 151 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,
 152 effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987;
 153 amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12
 154 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective
 155 December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;
 156 amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at
 157 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective
 158 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in
 159 R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg.
 160 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,
 161 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-
 162 10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-
 163 3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg.
 164 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20,
 165 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29
 166 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138,
 167 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective
 168 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008;
 169 amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-
 170 2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
 171 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24,
 172 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at

173 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-
 174 14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-
 175 3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5955,
 176 effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective
 177 _____.

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 179 **SUBPART A: GENERAL**

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 181 **Section 722.110 Purpose, Scope, and Applicability**

- 182
 183 a) This Part establishes standards for generators of hazardous waste, as defined by
 184 35 Ill. Adm. Code 720.110.
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 186 1) A person who generates a hazardous waste, as defined by 35 Ill. Adm.
 187 Code 721, is subject to all the applicable independent requirements in the
 188 following provisions:
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 190 A) Independent Requirements of a VSQG-
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 192 i) Section 722.111(a) through (d) (hazardous waste
 193 determination and recordkeeping); and
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 195 ii) Section 722.113 (generator category determination).
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 197 B) Independent Requirements of a SQG
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 199 i) Section 722.111 (hazardous waste determination and
 200 recordkeeping);
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 202 ii) Section 722.113 (generator category determination);
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 204 iii) Section 722.118 (USEPA identification numbers and re-
 205 notification for SQGs and LQGs);
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 207 iv) Subpart B (manifest requirements applicable to SQGs and
 208 LQGs);
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 210 v) Subpart C (pre-transport requirements applicable to SQGs
 211 and LQGs);
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 213 vi) Section 722.140 (recordkeeping);
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 215 vii) Section 722.144 (recordkeeping for SQGs); and

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- viii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).
- C) Independent Requirements of a LQG
 - i) Section 722.111 (hazardous waste determination and recordkeeping);
 - ii) Section 722.113 (generator category determination);
 - iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);
 - iv) Subpart B (manifest requirements applicable to SQGs and LQGs);
 - v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);
 - vi) Subpart D (recordkeeping and reporting applicable to SQGs and LQGs, except Section 722.144); and
 - vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

- 2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:
 - A) A VSQG that meets the conditions for exemption in Section 722.114;
 - B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or
 - C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.
- 3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a

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designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.

- b) Determining Generator Category. A generator must use Section 722.113 to determine which provisions of this Part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.
- c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision.
- d) Any person that exports or imports hazardous waste must comply with Section 722.118 and Subpart H.
- e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.
- f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.
- g) Generator Violation and Noncompliance
 - 1) A generator's violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.
 - 2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.
- h) An owner or operator that initiates a shipment of hazardous waste from a

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treatment, storage, or disposal facility must comply with the generator standards established in this Part.

- i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.
- j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked "reserved". This statement maintains structural consistency with USEPA rules.
- k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.
- l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K are not subject to the requirements set forth in subsections (l)(1) and (l)(2), except as specifically otherwise provided in Subpart K. For purposes of this subsection (l), the terms "laboratory" and "eligible academic entity" must have the meanings given them in Section 722.300.
 - 1) The independent requirements of Section 722.111 or the regulations in Section 722.115 for an LQG or an SQG, except as provided in Subpart K; and
 - 2) The conditions of Section 722.114, for a VSQG, except as provided in Subpart K.
- m) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600) is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals in lieu of this Part.
- n) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) must determine whether it is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than 100 kg (220 pounds) of hazardous waste in a calendar month, or more than 1 kg (2.2 pounds) of acute hazardous waste in a calendar month, or more than 100 kg (220 pounds) in a calendar month of any residue or contaminated soil, water, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in 35 Ill. Adm. Code 721.131 or 721.133(e), is

345 subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous
 346 waste pharmaceuticals in lieu of this Part. A healthcare facility that is a VSQG
 347 when counting all of its hazardous waste, including both its hazardous waste
 348 pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to
 349 Section 722.114 and is not subject to Subpart P of 35 Ill. Adm. Code 726, except
 350 that the healthcare facility remains subject to 35 Ill. Adm. Code 726.605 and
 351 726.607 and the optional provisions of 35 Ill. Adm. Code 726.604.
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353 BOARD NOTE: A generator that treats, stores, or disposes of hazardous waste on-site
 354 must comply with the applicable standards and permit requirements set forth in 35 Ill.
 355 Adm. Code 702, 703, 724 through 728, 733, and 739.
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357 (Source: Amended at 44 Ill. Reg. _____, effective _____)
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359 **Section 722.113 Generator Category Determination**
 360

361 A generator must determine its generator category. A generator's category is based on the
 362 amount of hazardous waste generated each calendar month and may change from calendar month
 363 to calendar month. This Section sets forth procedures to determine whether a generator is a
 364 VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code
 365 720.110.
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367 a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A
 368 generator that either generates acute hazardous waste or non-acute hazardous
 369 waste in a calendar month must determine its generator category for that month
 370 by doing the following:
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- 372 1) Counting the total amount of hazardous waste generated in the calendar
 373 month;
- 374 2) Subtracting from the total any amounts of waste exempt from counting, as
 375 described in subsections (c) and (d); and
 376
- 377 3) Determining the resulting generator category for the hazardous waste
 378 generated using the table in subsection (g).
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 381 b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that
 382 generates both acute hazardous waste and non-acute hazardous waste in the same
 383 calendar month must determine its generator category for that month by doing the
 384 following:
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- 386 1) Counting separately the total amount of acute hazardous waste and the
 387 total amount of non-acute hazardous waste generated in the calendar

- 388 month;
- 389
- 390 2) Subtracting from each total any amounts of waste exempt from counting,
- 391 as described in subsections (c) and (d);
- 392
- 393 3) Determining separately the resulting generator categories for the quantities
- 394 of acute and non-acute hazardous waste generated using the table in
- 395 subsection (g); and
- 396
- 397 4) Comparing the resulting generator categories from subsection (b)(3) and
- 398 applying the more stringent generator category to the accumulation and
- 399 management of both non-acute hazardous waste and acute hazardous
- 400 waste generated for that calendar month.
- 401
- 402 c) When making the monthly quantity-based determinations required by this Part,
- 403 the generator must include all hazardous waste that it generates, except the
- 404 following hazardous wastes:
- 405
- 406 1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code
- 407 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
- 408
- 409 2) Hazardous waste that is managed immediately upon generation only in on-
- 410 site elementary neutralization units, wastewater treatment units, or totally
- 411 enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
- 412
- 413 3) Hazardous waste that is recycled, without prior storage or accumulation,
- 414 only in an on-site process subject to regulation under 35 Ill. Adm. Code
- 415 721.106(c)(2);
- 416
- 417 4) Hazardous waste that is used oil managed under the requirements of 35 Ill.
- 418 Adm. Code 721.106(a)(4) and 739;
- 419
- 420 5) Hazardous waste that is spent lead-acid batteries managed under the
- 421 requirements of Subpart G of 35 Ill. Adm. Code 726;
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- 423 6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code
- 424 721.109 and 733;
- 425
- 426 7) Hazardous waste that is a hazardous waste that is an unused commercial
- 427 chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or
- 428 exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code
- 429 721) that is generated solely as a result of a laboratory clean-out conducted
- 430 at an eligible academic entity pursuant to Section 722.313. For purposes

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of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; ~~or~~

8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L; or-

9) A hazardous waste pharmaceutical, as defined in 35 Ill. Adm. Code 726.600, that is subject to or managed under Subpart P of 35 Ill. Adm. Code 726, or a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance that is conditionally exempt under 35 Ill. Adm. Code 726.606.

d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;

2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and

3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste

1) VSQG Waste

A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the

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mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.

C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.

B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating

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standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

g) Generator Categories Based on Quantity of Waste Generated in a Calendar Month

Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month	Generator category
> 1 kg (> 2.2 lb)	Any amount	Any amount	LQG
Any amount	≥ 1,000 kg (≥ 2,200 lbs)	Any amount	LQG
Any amount	Any amount	> 100 kg (> 220 lbs)	LQG
≤ 1 kg (≤ 2.2 lbs)	> 100 kg and < 1,000 kg (> 220 lbs and < 2,200 lbs)	≤ 100 kg (≤ 220 lbs)	SQG
≤ 1 kg (≤ 2.2 lbs)	≤ 100 kg	≤ 100 kg (≤ 220 lbs)	VSQG

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

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Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

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

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

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- 2) The VSQG complies with Section 722.111(a) through (d);
 - 3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:
 - A) The waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(1); and
 - B) The conditions for exemption in Section 722.117(a) through (g).
 - 4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:
 - A) The waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);

BOARD NOTE: Section 722.116(c) allows an SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles for off-site treatment, storage, or disposal to accumulate the waste for up to 270 days.
 - B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and
 - C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).
 - 5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:
 - A) A permitted facility under 35 Ill. Adm. Code 702 and 703;
 - B) An interim status facility under Subpart C of 35 Ill. Adm. Code

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703 and 35 Ill. Adm. Code 725;

- C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;
- D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and which is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;
- E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;
- F) A facility engaging in either of the following activities:
 - i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or
 - ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;
- G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;
- H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:
 - i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. "Control;" for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" the VSQG and LQG.
 - ii) The VSQG marks its containers of hazardous waste with the words "Hazardous Waste" and an indication of the

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

- I) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in 35 Ill. Adm. Code 726.600);~~This subsection (a)(5)(I) corresponds with 40 CFR 262.114(a)(5)(ix), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;~~
- J) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) that meets the conditions in 35 Ill. Adm. Code 726.602(l) and 726.603(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG;~~or This subsection (a)(5)(J) corresponds with 40 CFR 262.114(a)(5)(x), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;~~
- K) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 35 Ill. Adm. Code 721.104(j).

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

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

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Section 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator

- a) A generator may accumulate as much as 55 gallons (208 ℓ) of non-acute hazardous waste or either one quart (0.94 ℓ) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator complies with all of the conditions for exemption in this Section. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:
 - 1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator must immediately transfer the hazardous waste from the leaking container to a container that is in good condition and not leaking, or immediately transfer and manage the waste in a central accumulation area operated in compliance with Section 722.116(b) or 722.117(a).
 - 2) The generator must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.
 - 3) Special Standards for Incompatible Wastes
 - A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).
 - B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).

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- C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.
- 4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:
 - A) When the generator is adding, removing, or consolidating waste; or
 - B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:
 - i) For the proper operation of equipment; or
 - ii) To prevent dangerous situations, such as build-up of extreme pressure.
- 5) A generator must mark or label its container with the following:
 - A) The words "Hazardous Waste"; and
 - B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:
 - A) Either:
 - iA) Comply within three consecutive calendar days with the

755 applicable central accumulation area regulations in Section
756 722.116(b) or 722.117(a);⁵ or

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758 iiB) Remove the excess from the satellite accumulation area
759 within three consecutive calendar days to any of a central
760 accumulation area operated in accordance with the
761 applicable regulations in Section 722.116(b) or 722.117(a),
762 an on-site interim status or permitted treatment, storage, or
763 disposal facility, or an off-site designated facility.~~the~~
764 following:

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766 i) ~~A central accumulation area operated in accordance with~~
767 ~~the applicable regulations in Section 722.116(b) or~~
768 ~~722.117(a);~~

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770 ii) ~~An on-site interim status or permitted treatment, storage, or~~
771 ~~disposal facility, or~~

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773 iii) ~~An off-site designated facility; and~~
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775 BC) During the three-consecutive-calendar-day period provided by
776 subsection (a)(6)(A)(ii), the generator must continue to comply
777 with subsections (a)(1) through (a)(5). The generator must mark or
778 label the containers holding the excess accumulation of hazardous
779 waste with the date the excess amount began accumulating.

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781 7) All satellite accumulation areas operated by an SQG must meet the
782 preparedness and prevention regulations of Section 722.116(b)(8) and
783 emergency procedures at Section 722.116(b)(9).

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785 8) All satellite accumulation areas operated by an LQG must meet the
786 Preparedness, Prevention and Emergency Procedures in Subpart M.

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788 b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has
789 marked "reserved". This statement maintains structural consistency with the
790 corresponding federal regulation.

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792 (Source: Amended at 44 Ill. Reg. _____, effective _____)

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794 **Section 722.116 Conditions for Exemption for a Small Quantity Generator That**
795 **Accumulates Hazardous Waste**

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797 An SQG may accumulate hazardous waste on site without a permit or interim status, and without

798 complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or
 799 the notification requirements of section 3010 of RCRA (42 USC 6930), provided that all of the
 800 following conditions for exemption listed in this Section are met:

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- a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.
- b) Accumulation. The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:
 - 1) Accumulation Limit. The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);
 - 2) Accumulation of Hazardous Waste in Containers
 - A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.
 - B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.
 - C) Management of Containers
 - i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.
 - ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.
 - D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other

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factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.

E) Special Conditions for Accumulation of Incompatible Wastes

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

3) Accumulation of Hazardous Waste in Tanks

- A) This subsection (b)(3)(A) corresponds with 40 CFR 262.116(b)(3)(i), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.
- B) An SQG of hazardous waste must comply with the following general operating conditions:
 - i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).
 - ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

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- iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
 - iv) Where hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).
- C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, where present:
- i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
 - ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;
 - iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);
 - iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and
 - v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, the SQG must

immediately take remedial action.

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- D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.
- E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.
- F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.
- G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:
 - i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.
 - ii) An SQG that treats or accumulates ignitable or reactive

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waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

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

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

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

5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency

1013 responders, waste handlers, or other persons on site. The SQG must also
 1014 provide in a conspicuous place an indication of the hazards of the
 1015 contents. Examples include, but are not limited to, the applicable
 1016 hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or
 1017 toxic); hazard communication consistent with subpart E (Labeling) and
 1018 subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill.
 1019 Adm. Code 720.111; a hazard statement or pictogram consistent with 29
 1020 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35
 1021 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA
 1022 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG
 1023 must also maintain both of the following:

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- 1025 A) The professional engineer certification that the building complies
- 1026 with the design standards specified in 35 Ill. Adm. Code 725.1101.
- 1027 This certification must be in the generator's files prior to operation
- 1028 of the unit; and
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- 1030 B) The following records, by use of inventory logs, monitoring
- 1031 equipment, or any other effective means:
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- 1033 i) A written description of procedures to ensure that each
- 1034 waste volume remains in the unit for no more than 90 days,
- 1035 a written description of the waste generation and
- 1036 management practices for the facility showing that the
- 1037 generator is consistent with maintaining the 90 day limit,
- 1038 and documentation that the SQG complies with the
- 1039 procedures; or
- 1040
- 1041 ii) Documentation that the SQG empties the unit at least once
- 1042 every 90 days.
- 1043
- 1044 iii) The SQG must maintain inventory logs or records with the
- 1045 above information on site and readily available for
- 1046 inspection.
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1048 6) Labeling and Marking of Containers and Tanks

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- 1050 A) Containers. An SQG must mark or label its containers with the
- 1051 following:
- 1052
- 1053 i) The words "Hazardous Waste";
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- 1055 ii) An indication of the hazards of the contents. Examples

- 1056 include, but are not limited to, the applicable hazardous
 1057 waste characteristics (i.e., ignitable, corrosive, reactive, or
 1058 toxic); hazard communication consistent with subpart E
 1059 (Labeling) and subpart F (Placarding) of 49 CFR 172,
 1060 incorporated by reference in 35 Ill. Adm. Code 720.111; a
 1061 hazard statement or pictogram consistent with 29 CFR
 1062 1910.1200 (Hazard Communication), incorporated by
 1063 reference in 35 Ill. Adm. Code 720.111; or a chemical
 1064 hazard label consistent with NFPA 704, incorporated by
 1065 reference in 35 Ill. Adm. Code 720.111; and
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 1067 iii) The date upon which each period of accumulation begins
 1068 clearly visible for inspection on each container.
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 1070 B) Tanks. An SQG accumulating hazardous waste in tanks must do
 1071 the following:
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 1073 i) Mark or label its tanks with the words "Hazardous Waste";
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 1075 ii) Mark or label its tanks with an indication of the hazards of
 1076 the contents. Examples include, but are not limited to, the
 1077 applicable hazardous waste characteristics (i.e., ignitable,
 1078 corrosive, reactive, or toxic); hazard communication
 1079 consistent with subpart E (Labeling) and subpart F
 1080 (Placarding) of 49 CFR 172, incorporated by reference in
 1081 35 Ill. Adm. Code 720.111; a hazard statement or
 1082 pictogram consistent with 29 CFR 1910.1200 (Hazard
 1083 Communication), incorporated by reference in 35 Ill. Adm.
 1084 Code 720.111; or a chemical hazard label consistent with
 1085 NFPA 704, incorporated by reference in 35 Ill. Adm. Code
 1086 720.111;
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 1088 iii) Use inventory logs, monitoring equipment, or other records
 1089 to demonstrate that hazardous waste has been emptied
 1090 within 180 days of first entering the tank if using a batch
 1091 process or, in the case of a tank with a continuous flow
 1092 process, demonstrate that estimated volumes of hazardous
 1093 waste entering the tank daily exit the tank within 180 days
 1094 of first entering; and
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 1096 iv) Keep inventory logs or records with the above information
 1097 on site and readily available for inspection.
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- 1099 7) Land Disposal Restrictions. An SQG must comply with all the applicable
1100 requirements under 35 Ill. Adm. Code 728.
- 1101
- 1102 8) Preparedness and Prevention
- 1103
- 1104 A) Maintenance and Operation of Facility. An SQG must maintain
1105 and operate its facility to minimize the possibility of a fire,
1106 explosion, or any unplanned sudden or non-sudden release of
1107 hazardous waste or hazardous waste constituents to air, soil, or
1108 surface water that could threaten human health or the environment.
- 1109
- 1110 B) Required Equipment. An SQG must equip all areas where
1111 hazardous waste is either generated or accumulated with the items
1112 in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of
1113 the hazards posed by waste handled at the facility could require a
1114 particular kind of equipment specified below or the actual waste
1115 generation or accumulation area does not lend itself for safety
1116 reasons to have a particular kind of equipment specified below).
1117 An SQG may determine the most appropriate places to locate
1118 equipment necessary to prepare for and respond to emergencies.
- 1119
- 1120 i) An internal communications or alarm system capable of
1121 providing immediate emergency instruction (voice or
1122 signal) to facility personnel;
- 1123
- 1124 ii) A device, such as a telephone (immediately available at the
1125 scene of operations) or a hand-held two-way radio, capable
1126 of summoning emergency assistance from local police
1127 departments, fire departments, or State or local emergency
1128 response teams;
- 1129
- 1130 iii) Portable fire extinguishers, fire control equipment
1131 (including special extinguishing equipment, such as that
1132 using foam, inert gas, or dry chemicals), spill control
1133 equipment, and decontamination equipment; and
- 1134
- 1135 iv) Water at adequate volume and pressure to supply water
1136 hose streams, foam producing equipment, automatic
1137 sprinklers, or water spray systems.
- 1138
- 1139 C) Testing and Maintenance of Equipment. The SQG must test and
1140 maintain all communications or alarm systems, fire protection
1141 equipment, spill control equipment, and decontamination

1142 equipment, where required, as necessary to assure its proper
1143 operation in time of emergency.

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1145 D) Access to Communications or Alarm System
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1147 i) Whenever the SQG pours, mixes, spreads, or otherwise
1148 handles hazardous waste, all personnel involved in the
1149 operation must have immediate access (i.e., direct or
1150 unimpeded access) to an internal alarm or emergency
1151 communication device, either directly or through visual or
1152 voice contact with another employee, unless such a device
1153 is not required under subsection (a)(8)(B).
1154

1155 ii) When there is just one employee on the premises while the
1156 facility is operating, the employee must have immediate
1157 access (i.e., direct or unimpeded access) to a device, such
1158 as a telephone (immediately available at the scene of
1159 operation) or a hand-held two-way radio, that is capable of
1160 summoning external emergency assistance, unless such a
1161 device is not required under subsection (a)(8)(B).
1162

1163 E) Required Aisle Space. The SQG must maintain aisle space that
1164 allows the unobstructed movement of personnel, fire protection
1165 equipment, spill control equipment, and decontamination
1166 equipment to any area of facility operation in an emergency, unless
1167 aisle space is not needed for any of these purposes.
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1169 F) Arrangements with Local Authorities
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1171 i) The SQG must attempt to make arrangements with the
1172 local police department, fire department, other emergency
1173 response teams, emergency response contractors,
1174 equipment suppliers, and local hospitals, taking into
1175 account the types and quantities of hazardous wastes
1176 handled at the facility. Arrangements may be made with
1177 the Local Emergency Planning Committee, if this is the
1178 appropriate organization with which to make arrangements.
1179 An SQG attempting to make arrangements with its local
1180 fire department must determine the potential need for the
1181 services of the local police department, other emergency
1182 response teams, emergency response contractors,
1183 equipment suppliers, and local hospitals. As part of this
1184 coordination, the SQG must attempt to make arrangements,

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as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. Where more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority.
 BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in

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subsection (b)(9)(D). This employee is the emergency coordinator.

- B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:
 - i) The name and emergency telephone number of the emergency coordinator;
 - ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - iii) The telephone number of the fire department, unless the facility has a direct alarm.

- C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;

- D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:
 - i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;
 - ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;
 - iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424-8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (*e.g.*, spill or fire); the quantity and type of

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hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

- c) **Transporting Waste More Than 200 Miles.** An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).
- d) **Accumulation Time Limit Extension.** An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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

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

- 1) An SQG may accumulate returned waste on site in accordance with subsections (a) through (d) under the following conditions:

- A) The SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste; and

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B) The generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172.

2) Upon receipt of the returned shipment, the SQG must do either of the following:

A) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

B) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

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

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

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

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

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

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

B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise

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immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

- C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;
- D) Management of Containers
 - i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.
 - ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.
- E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.
- F) Special Conditions for Accumulation of Ignitable and Reactive Wastes
 - i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.
 - ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot

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

G) Special Conditions for Accumulation of Incompatible Wastes

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

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

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

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

B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from

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

- C) The LQG must maintain on site at the facility the following records readily available for inspection:
 - i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

- 4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:
 - A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and
 - B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

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- i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the ~~16(d)~~ and generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures
 - ii) Documentation that the LQG empties the unit at least once every 90 days.
 - iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.
- 1500 5) Labeling and Marking of Containers and Tanks
- 1501
- A) Containers. An LQG must mark or label its containers with the following:
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 - 1505 i) The words "Hazardous Waste";
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 - 1507 ii) An indication of the hazards of the contents. Examples
 - 1508 include, but are not limited to, the applicable hazardous
 - 1509 waste characteristics (i.e., ignitable, corrosive, reactive, or
 - 1510 toxic); hazard communication consistent with subpart E
 - 1511 (labeling) and subpart F (placarding) of 49 CFR 172,
 - 1512 incorporated by reference in 35 Ill. Adm. Code 720.111; a
 - 1513 hazard statement or pictogram consistent with 29 CFR
 - 1514 1910.1200 (Hazard Communication), incorporated by
 - 1515 reference in 35 Ill. Adm. Code 720.111; or a chemical
 - 1516 hazard label consistent with NFPA 704, incorporated by
 - 1517 reference in 35 Ill. Adm. Code 720.111; and
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 - 1519 iii) The date upon which each period of accumulation begins
 - 1520 clearly visible for inspection on each container.
 - 1521
 - B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:
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 - 1525 i) Mark or label its tanks with the words "Hazardous Waste";
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 - 1527 ii) Mark or label its tanks with an indication of the hazards of

1528 the contents. Examples include, but are not limited to, the
1529 applicable hazardous waste characteristics (i.e., ignitable,
1530 corrosive, reactive, or toxic); hazard communication
1531 consistent with subpart E (Labeling) and subpart F
1532 (Placarding) of 49 CFR 172, incorporated by reference in
1533 35 Ill. Adm. Code 720.111; a hazard statement or
1534 pictogram consistent with 29 CFR 1910.1200 (Hazard
1535 Communication), incorporated by reference in 35 Ill. Adm.
1536 Code 720.111; or a chemical hazard label consistent with
1537 NFPA 704, incorporated by reference in 35 Ill. Adm. Code
1538 720.111;

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1540 iii) Use inventory logs, monitoring equipment or other records
1541 to demonstrate that hazardous waste has been emptied
1542 within 90 days of first entering the tank if using a batch
1543 process or, in the case of a tank with a continuous flow
1544 process, demonstrate that estimated volumes of hazardous
1545 waste entering the tank daily exit the tank within 90 days of
1546 first entering; and

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1548 iv) Keep inventory logs or records with the above information
1549 on site and readily available for inspection.

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1551 6) Emergency Procedures. The LQG must comply with the standards in
1552 Subpart M (Preparedness, Prevention and Emergency Procedures for
1553 Large Quantity Generators).

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1555 7) Personnel Training

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1557 A) Personnel Training Program

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1559 i) Facility personnel must successfully complete a program of
1560 classroom instruction, online training (e.g., computer-based
1561 or electronic) or on-the-job training that teaches them to
1562 perform their duties in a way that ensures compliance with
1563 this Part. The LQG must ensure that this program includes
1564 all the elements described in the document required under
1565 subsection (a)(7)(D).

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1567 ii) A person trained in hazardous waste management
1568 procedures must direct the program, and the program must
1569 include instruction that teaches facility personnel hazardous
1570 waste management procedures (including contingency plan

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implementation) relevant to the positions in which the LQG employs them.

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

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

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

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

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

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

ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other

- 1614 similar positions in the same company location or
1615 bargaining unit, but the description must include the
1616 requisite skill, education, other qualifications, and duties of
1617 facility personnel assigned to each position;
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1619 iii) A written description of the type and amount of both
1620 introductory and continuing training that the LQG will give
1621 to each person filling a position listed under subsection
1622 (a)(7)(D)(i);
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1624 iv) Records documenting that the LQG has given and facility
1625 personnel has completed the training or job experience
1626 required by subsections (a)(7)(A), (B), and (C).
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1628 E) The LQG must keep training records on current personnel until
1629 closure of the facility. The LQG must keep training records on
1630 former employees for at least three years from the date the
1631 employee last worked at the facility. Personnel training records
1632 may accompany personnel transferred within the same company.
1633
1634 8) Closure. An LQG accumulating hazardous wastes in containers, tanks,
1635 drip pads, and containment buildings, prior to closing the facility or a unit
1636 at the facility, must meet the following conditions:
1637
1638 A) Notification for Closure of a Waste Accumulation Unit. An LQG
1639 must perform one of the following when closing a waste
1640 accumulation unit:
1641
1642 i) Place a notice in the operating record within 30 days after
1643 closure identifying the location of the unit within the
1644 facility; or
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1646 ii) Meet the closure performance standards of subsection
1647 (a)(8)(C) for container, tank, and containment building
1648 waste accumulation units or subsection (a)(8)(D) for drip
1649 pads and notify USEPA and the Agency following the
1650 procedures in subsection (a)(8)(B)(ii) for the waste
1651 accumulation unit. If the waste accumulation unit is
1652 subsequently reopened, the LQG may remove the notice
1653 from the operating record.
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1655 B) Notification for Closure of the Facility
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- i) Notify the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.
- ii) Notify the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank, or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.
- iii) An LQG may request additional time to clean close, but it must notify the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

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

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

- i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.
- ii) The LQG must remove or decontaminate all contaminated

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

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

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

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

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

b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702,

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703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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

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

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

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- iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.
 - B) The LQG is exempt from all requirements of Subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).
 - C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.
 - D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:
 - i) The words "Hazardous Waste"; and
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.
 - E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

1829 d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater
 1830 treatment sludges from electroplating operations that meet the listing description
 1831 for the USEPA hazardous waste number F006 may accumulate F006 waste on site
 1832 for more than 90 days but not more than 270 days without being subject to 35 Ill.
 1833 Adm. Code 702, 703, and 724 through 727 and the notification requirements of
 1834 section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or
 1835 offer this waste for transportation over a distance of 200 miles or more for off-site
 1836 metals recovery and the LQG complies with all of the conditions for exemption of
 1837 subsections (c)(1) through (c)(4).
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1839 e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste
 1840 in accordance with subsections (c) and (d) that either accumulates F006 waste on
 1841 site for more than 180 days (or for more than 270 days if the LQG must transport
 1842 this waste or offer this waste for transportation over a distance of 200 miles or
 1843 more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is
 1844 an operator of a storage facility and is subject to the requirements of 35 Ill. Adm.
 1845 Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of
 1846 RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to
 1847 the 180-day period (or 270-day period, if applicable) or an exception to the
 1848 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of
 1849 the accumulation period or an exception to the accumulation limit if F006 waste
 1850 must remain on site for longer than 180 days (or 270 days, if applicable) or if
 1851 more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to
 1852 unforeseen, temporary, and uncontrollable circumstances. The Agency may grant
 1853 an extension of up to 30 days or an exception to the accumulation limit on a case-
 1854 by-case basis.
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1856 BOARD NOTE: The Agency may grant a provisional variance that extends the
 1857 permissible accumulation period or accumulation amount limit pursuant to
 1858 sections 35(b) and 36(c) of the Act. This subsection provides the basis for
 1859 granting and maximum duration of an extension.
 1860

1861 f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may
 1862 accumulate on site hazardous waste received from a VSQG under control of the
 1863 same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility
 1864 permit or interim status and without complying with the requirements of 35 Ill.
 1865 Adm. Code 702, 703, and 724 through 728 and the notification requirements of
 1866 section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the
 1867 following conditions. "Control," for the purposes of this Section, means the
 1868 power to direct the policies of the LQG and VSQG, whether by the ownership of
 1869 stock, voting rights, or otherwise, except that a contractor that operates a LQG or
 1870 VSQG facility on behalf of a different person is not be deemed to "control" the
 1871 LQG or VSQG.

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- 1) The LQG must notify the Agency at least 30 days prior to receiving the first shipment from a VSQG using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12); and
 - A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and
 - B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.

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

- 2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.
 - 3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.
- g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:

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

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

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

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 44 Ill. Reg. _____, effective _____)

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.

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- 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

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- 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 44 Ill. Reg. _____, effective _____)

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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 44 Ill. Reg. _____, effective _____)

SUBPART H: TRANSBOUNDARY SHIPMENTS OF
HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

2043 **Section 722.181 Definitions**

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2045 In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to this
 2046 Subpart H and to other provisions within this Part 722 as specifically indicated:

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2048 "Amber control procedures" means the controls listed in Section D of Annex A
 2049 ("Amber Control Procedure") to OECD Guidance Manual, incorporated by
 2050 reference in 35 Ill. Adm. Code 720.111(a).

2051

BOARD NOTE: The Board added this definition.

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2053 "Amber waste" means a waste listed in Appendix 4 ("List of Wastes Subject to the
 2054 Amber Control Procedure") to Annex A and in Annex C ("OECD Consolidated
 2055 List of Wastes Subject to the Amber Control Procedure") to OECD Guidance
 2056 Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2057

BOARD NOTE: The Board added this definition.

2058

2059 "Competent authority" means the regulatory authority or authorities of countries
 2060 concerned having jurisdiction over transboundary~~trans-boundary~~ movements of
 2061 wastes.

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BOARD NOTE: Under the Basel Convention on the Control of Transboundary
 2063 Movements of Hazardous Wastes and Their Disposal (Basel Convention), party
 2064 countries are required to establish or designate competent authorities to facilitate
 2065 implementation of the Convention. Basel Convention, art. 5 (as amended through
 2066 May 27, 2014). The Basel Convention, United Nations Environment Programme
 2067 maintains an on-line list of competent authorities by country:

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<http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

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2070 "Countries concerned" means the countries of export or import and any countries
 2071 of transit. Use of singular "concerned country" is contemplated within this
 2072 definition where the text refers only to a single country.

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2074 "Country of export" means any country from which a transboundary~~trans-~~
 2075 ~~boundary~~ movement of hazardous waste is planned to be initiated or is initiated.

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2077 "Country of import" means any country to which a transboundary~~trans-boundary~~
 2078 movement of hazardous waste is planned or takes place for the purpose of
 2079 submitting the waste to recovery or disposal operations in that country.

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2081 "Country of transit" means any country other than the country of export or
 2082 country of import across which a transboundary~~trans-boundary~~ movement of
 2083 waste is planned to be initiated or takes place.

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2085 "Disposal operations" means activities that do not lead to the possibility of

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resource recovery, recycling, reclamation, direct re-use, or alternate uses, which include the following:

- D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.
- D2 Land treatment, such as biodegradation of liquids or sludges in soils.
- D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.
- D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.
- D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.
- D6 Release into a water body other than a sea or ocean, and other than by operation D4.
- D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.
- D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D10 Incineration on land.
- D11 Incineration at sea.
- D12 Permanent storage.
- D13 Blending or mixing, prior to any of operations D1 through D12.

- 2129 D14 Repackaging, prior to any of operations D1 through D13.
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2131 D15 Interim storage, prior to any of operations D1 through D12 (for
2132 transboundary movements other than with Canada).
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2134 DC15 Release, including the venting of compressed or liquified gases, or
2135 treatment, other than by any of operations D1 to D12 (for
2136 transboundary movements with Canada only).
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2138 DC16 Testing of a new technology to dispose of a hazardous waste (for
2139 transboundary movements with Canada only).
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2141 DC17 Interim storage, prior to any of operations D1 through D12 (for
2142 transboundary movements with Canada only).
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2144 "Export" means the transportation of hazardous waste from a location under the
2145 jurisdiction of the United States to a location under the jurisdiction of another
2146 country, or a location not under the jurisdiction of any country, for the purposes of
2147 recovery or disposal operations at the destination.
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2149 "Exporter" (designated as "primary exporter" in the certification statement on the
2150 RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the
2151 person domiciled in the United States that originates the movement document in
2152 accordance with Section 722.183(d) or the manifest in accordance with Subpart B
2153 specifying~~specifying~~ a foreign receiving facility as the destination of the hazardous
2154 waste or any recognized trader that proposes export of the hazardous wastes for
2155 recovery or disposal operations in the country of import.
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2157 "Foreign exporter" means the person under the jurisdiction of the country of
2158 export that has, or will have at the time the planned transboundary~~trans-boundary~~
2159 movement commences, possession or other forms of legal control of the
2160 hazardous waste and that proposes shipment of hazardous waste to the United
2161 States for recovery or disposal operations.
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2163 "Foreign importer" means the person assigned possession or other form of legal
2164 control of the hazardous waste upon receipt of the exported hazardous waste in
2165 the country of import.
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2167 "Foreign receiving facility" means a facility that operates or is authorized to
2168 operate under the importing country's applicable domestic law to receive the
2169 hazardous wastes and to perform recovery or disposal operations on them.
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2171 "Green control procedures" means the controls listed in Section C of Annex A

2172 ("Green Control Procedure") to OECD Guidance Manual, incorporated by
2173 reference in 35 Ill. Adm. Code 720.111(a).

2174 BOARD NOTE: The Board added this definition.

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2176 "Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the
2177 Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated
2178 List of Wastes Subject to the Green Control Procedure") to OECD Guidance
2179 Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2180 BOARD NOTE: The Board added this definition.

2181

2182 "Import" means the transportation of hazardous waste from a location under the
2183 jurisdiction of another country to a location under the jurisdiction of the United
2184 States for the purposes of recovery or disposal operations at the destination.

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2186 "Importer" means the person that is assigned possession or other form of legal
2187 control of the hazardous waste at the time the imported hazardous waste is
2188 received in the United States.

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2190 "OECD" means the Organisation for Economic Co-operation and Development.

2191

2192 "OECD area" means all land or marine areas under the national jurisdiction of any
2193 OECD member country. When the regulations refer to shipments to or from an
2194 OECD member country, this means OECD area.

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2196 "OECD Guidance Manual" means "Guidance Manual for the Implementation of
2197 Council Decision C(2001)107/FINAL, As Amended, on the Control of
2198 Transboundary Movements of Wastes Destined for Recovery Operations", 2009
2199 (also called "Guidance Manual for the Control of Transboundary Movements of
2200 Recoverable Materials" in OECD documents), but only the segments incorporated
2201 by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive
2202 requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20;
2203 C(2005)141 and C(2008)156.

2204 BOARD NOTE: The Board added this definition. Although USEPA
2205 conventionally refers to the OECD requirements by the designation

2206 "C(2001)107/FINAL", USEPA incorporated the OECD Guidance Manual by
2207 reference for the substance of the OECD requirements. The substance of the
2208 OECD requirements requires reference to the Basel Convention on the Control of
2209 Transboundary Movements of Hazardous Wastes and Their Disposal (Basel
2210 Convention) for full meaning, and the OECD Guidance Manual includes Annexes
2211 A through C, which present the full text of OECD decision C(2001)107/FINAL
2212 and the Basel Convention. For these reasons, the Board refers directly to the
2213 OECD Guidance Manual and incorporates Annexes A through C of the Guidance
2214 Manual by reference.

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"OECD member country" means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.

BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD ~~member~~Member countries on the Internet. (<https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd>).

"Receiving facility" means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other applicable domestic laws.

"Recognized trader" means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate ~~transboundary~~trans-boundary movements of wastes destined for recovery operations.

"Recovery facility" means a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types of operations:

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy,
- R2 Solvent reclamation or regeneration,
- R3 Recycling or reclamation of organic substances that are not used as solvents,
- R4 Recycling or reclamation of metals and metal compounds,
- R5 Recycling or reclamation of other inorganic materials,
- R6 Regeneration of acids or bases,
- R7 Recovery of components used for pollution abatement,

- 2258 R8 Recovery of components from used catalysts,
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- 2260 R9 Used oil re-refining or other reuses of previously used oil,
- 2261
- 2262 R10 Land treatment resulting in benefit to agriculture or ecological
- 2263 improvement,
- 2264
- 2265 R11 Uses of residual materials obtained from any of the operations
- 2266 numbered R1 through R10 (for transboundary shipments other than
- 2267 with Canada),
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- 2269 R12 Exchange of wastes for submission to any of the operations
- 2270 numbered R1 through R11 (for transboundary shipments other than
- 2271 with Canada), and
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- 2273 R13 Accumulation of material intended for any operation numbered R1
- 2274 through R12 (for transboundary shipments other than with
- 2275 Canada).
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- 2277 RC14 Recovery or regeneration of a substance or use or re-use of a
- 2278 recyclable material, other than by any of operations R1 through
- 2279 R10 (for transboundary shipments with Canada only).
- 2280
- 2281 RC15 Testing of a new technology to recycle a hazardous recyclable
- 2282 material (for transboundary shipments with Canada only).
- 2283
- 2284 RC16 Interim storage prior to any of operations R1 through R11 or RC14
- 2285 (for transboundary shipments with Canada only).
- 2286

2287 "~~Transboundary~~Trans-boundary movement" means any movement of hazardous
 2288 wastes from an area under the national jurisdiction of one country to an area under
 2289 the national jurisdiction of another country.

2291 "USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends
 2292 to the exporter documenting the specific terms of the country of import's consent
 2293 and any countries of transit's consents.

2294 BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the
 2295 definition of "export license" in 15 CFR 30.1.

2296
 2297 (Source: Amended at 44 Ill. Reg. _____, effective _____)

2298
 2299 **Section 722.182 General Conditions**

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- a) Scope. The level of control for exports and imports of waste is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.
 - 1) Green Wastes
 - A) Green waste that is not hazardous waste is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.
 - B) Green waste that is hazardous waste is subject to the requirements of this Subpart H.
 - 2) Amber Wastes
 - A) Amber waste that is hazardous waste is subject to the Amber control procedures set forth in this Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.
 - i) For exports, exporter must comply with Section 722.183.
 - ii) For imports, the recovery or disposal facility and the importer must comply with Section 722.184.
 - B) Amber waste that is not hazardous waste, but which is considered hazardous by the other country, is subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of this Subpart H.

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3) Mixtures

- A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

- B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes that is hazardous waste is subject to the requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for transboundary~~trans-boundary~~ movements, as follows:

- A) If such waste is hazardous waste, the waste is subject to the requirements of this Subpart H.

- B) If such waste is not hazardous waste, the waste is not subject to the requirements of this Subpart H.

b) General Conditions Applicable to Transboundary~~Trans-Boundary~~ Movements of Hazardous Waste

- 1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;

- 2) The transboundary~~trans-boundary~~ movement must comply with applicable international transport agreements; and

BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG

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Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries must comply with all applicable international and national laws and regulations.

c) Duty to return wastes subject to the Amber control procedures during transit through the United States. When a ~~transboundary~~trans-boundary movement of hazardous waste subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries.

d) Laboratory Analysis Exemption. Export or import of a hazardous waste sample is exempt from the requirements of this Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in this Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington, DC 20460.

2) For Hand-Delivery:

Office of Enforcement and Compliance Assurance

2430 Office of Federal Activities
2431 International Compliance Assurance Division
2432 Environmental Protection Agency
2433 William Jefferson Clinton South Bldg., Room 6144
2434 12th St. and Pennsylvania Ave NW.
2435 Washington, DC 20004.

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

AGENCY P vs JCAR r01

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section

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

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

Section

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

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

Section

722.130 Packaging
722.131 Labeling
722.132 Marking
722.133 Placarding
722.134 Accumulation Time (Repealed)
722.135 Liquids in Landfills Prohibition

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
722.142 Exception Reporting
722.143 Additional Reporting
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 FOR RECOVERY OR DISPOSAL

Section

722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Exports of Hazardous Waste
722.184 Imports of Hazardous Waste
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 MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE
ACADEMIC ENTITIES

Section

722.300 Definitions
722.301 Applicability
722.302 Opting into the Subpart K Requirements
722.303 Notice of Election into the Subpart K Requirements
722.304 Notice of Withdrawal from the Subpart K Requirements
722.305 Summary of the Requirements of this Subpart K
722.306 Container Standards in the Laboratory
722.307 Personnel Training

- 722.308 Removing Unwanted Material from the Laboratory
- 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory
- 722.310 Hazardous Waste Determination in the Laboratory
- 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
- 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility
- 722.313 Laboratory Clean-Outs
- 722.314 Laboratory Management Plan
- 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
- 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section

- 722.330 Applicability
- 722.331 Definitions for this Subpart L
- 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event
- 722.333 Request to Manage One Additional Episodic Event Per Calendar Year

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

Section

- 722.350 Applicability
- 722.351 Maintenance and Operation of Facility
- 722.352 Required Equipment
- 722.353 Testing and Maintenance of Equipment
- 722.354 Access to Communications or Alarm System
- 722.355 Required Aisle Space
- 722.356 Arrangements with Local Authorities
- 722.360 Purpose and Implementation of Contingency Plan
- 722.361 Content of Contingency Plan
- 722.362 Copies of Contingency Plan
- 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, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 722.110 Purpose, Scope, and Applicability

a) This Part establishes standards for generators of hazardous waste, as defined by 35 Ill. Adm. Code 720.110.

1) A person who generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to all the applicable independent requirements in the following provisions:

A) Independent Requirements of a VSQG~~r~~

i) Section 722.111(a) through (d) (hazardous waste determination and recordkeeping); and

- ii) Section 722.113 (generator category determination).
- B) Independent Requirements of a SQG
 - i) Section 722.111 (hazardous waste determination and recordkeeping);
 - ii) Section 722.113 (generator category determination);
 - iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);
 - iv) Subpart B (manifest requirements applicable to SQGs and LQGs);
 - v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);
 - vi) Section 722.140 (recordkeeping);
 - vii) Section 722.144 (recordkeeping for SQGs); and
 - viii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).
- C) Independent Requirements of a LQG
 - i) Section 722.111 (hazardous waste determination and recordkeeping);
 - ii) Section 722.113 (generator category determination);
 - iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);
 - iv) Subpart B (manifest requirements applicable to SQGs and LQGs);
 - v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);
 - vi) Subpart D (recordkeeping and reporting applicable to SQGs and LQGs, except Section 722.144); and
 - vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).
- 2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:
 - A) A VSQG that meets the conditions for exemption in Section 722.114;
 - B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or

C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.

3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.

b) Determining Generator Category. A generator must use Section 722.113 to determine which provisions of this Part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision.

d) Any person that exports or imports hazardous waste must comply with Section 722.118 and Subpart H.

e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.

f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.

g) Generator Violation and Noncompliance

1) A generator's violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.

i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.

j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked "reserved". This statement maintains structural consistency with USEPA rules.

k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.

l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K are not subject to the requirements set forth in subsections (l)(1) and (l)(2), except as specifically otherwise provided in Subpart K. For purposes of this subsection (l), the terms "laboratory" and "eligible academic entity" must have the meanings given them in Section 722.300.

1) The independent requirements of Section 722.111 or the regulations in Section 722.115 for an LQG or an SQG, except as provided in Subpart K; and

2) The conditions of Section 722.114, for a VSQG, except as provided in Subpart K .

m) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600) is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals in lieu of this Part.

n) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) must determine whether it is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than 100 kg (220 pounds) of hazardous waste in a calendar month, or more than 1 kg (2.2 pounds) of acute hazardous waste in a calendar month, or more than 100 kg (220 pounds) in a calendar month of any residue or contaminated soil, water, or other debris, resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in 35 Ill. Adm. Code 721.131 or 721.133(e), is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals in lieu of this Part. A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to Section

722.114 and is not subject to Subpart P of 35 Ill. Adm. Code 726, except that the healthcare facility remains subject to 35 Ill. Adm. Code 726.605 and 726.607 and the optional provisions of 35 Ill. Adm. Code 726.604.

BOARD NOTE: A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

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

Section 722.113 Generator Category Determination

A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from calendar month to calendar month. This Section sets forth procedures to determine whether a generator is a VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code 720.110.

a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:

- 1) Counting the total amount of hazardous waste generated in the calendar month;
- 2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and
- 3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).

b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:

- 1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;
- 2) Subtracting from each total any amounts of waste exempt from counting, as described in subsections (c) and (d); and
- 3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and

- 4) Comparing the resulting generator categories from subsection (b) (3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.
- c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:
 - 1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a) (3), 721.107(a) (1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c) (2);
 - 4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a) (4) and 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;
 - 6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;
 - 7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; ~~or~~
 - 8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L; or-
 - 9) A hazardous waste pharmaceutical, as defined in 35 Ill. Adm. Code 726.600, that is subject to or managed under Subpart P of 35 Ill. Adm. Code 726, or a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance that is conditionally exempt under 35 Ill. Adm. Code 726.606.
- d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;

2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and

3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste

1) VSQG Waste

A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.

C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.

B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

g) Generator Categories Based on Quantity of Waste Generated in a Calendar Month

Quantity of acute hazardous waste generated in a calendar month
Quantity of non-acute hazardous waste generated in a calendar month
Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month
Generator category > 1 kg
(> 2.2 lb) Any amount LQG Any amount = 1,000 kg
(= 2,200 lbs) Any amount LQG Any amount Any amount > 100 kg
(> 220 lbs) LQG = 1 kg
(= 2.2 lbs) > 100 kg and < 1,000 kg
(> 220 lbs and < 2,200 lbs) = 100 kg
(= 220 lbs) SQG = 1 kg
(= 2.2 lbs) = 100 kg = 100 kg
(= 220 lbs) VSQG

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

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as

defined in 35 Ill. Adm. Code 726.600); ~~This subsection (a)(5)(I) corresponds with 40 CFR 262.114(a)(5)(ix), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;~~

J) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) that meets the conditions in 35 Ill. Adm. Code 726.602(1) and 726.603(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG; ~~or This subsection (a)(5)(J) corresponds with 40 CFR 262.114(a)(5)(x), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;~~ or

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

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

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

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

Section 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator

a) A generator may accumulate as much as 55 gallons (208 l) of non-acute hazardous waste or either one quart (0.94 l) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator complies with all of the conditions for exemption in this Section. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:

1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator must immediately transfer the hazardous waste from the leaking container to a container that is in good condition and not leaking, or immediately transfer and

manage the waste in a central accumulation area operated in compliance with Section 722.116(b) or 722.117(a).

2) The generator must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3) Special Standards for Incompatible Wastes

A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).

B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).

C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.

4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:

A) When the generator is adding, removing, or consolidating waste; or

B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:

i) For the proper operation of equipment; or

ii) To prevent dangerous situations, such as build-up of extreme pressure.

5) A generator must mark or label its container with the following:

A) The words "Hazardous Waste"; and

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

6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:

A) Either:

~~iA~~i) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 722.117(a) ~~7~~ or

~~iB~~ii) Remove the excess from the satellite accumulation area within three consecutive calendar days to any of a central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a) ~~7~~ an on-site interim status or permitted treatment, storage, or disposal facility, or an off-site designated facility. ~~the following:~~

- ~~i)~~ ~~A central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a);~~
- ~~ii)~~ ~~An on-site interim status or permitted treatment, storage, or disposal facility, or~~
- ~~iii)~~ ~~An off-site designated facility; and~~

~~BC~~B) During the three-consecutive-calendar-day period provided by subsection (a) (6) (A) (ii), the generator must continue to comply with subsections (a) (1) through (a) (5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b) (8) and emergency procedures at Section 722.116(b) (9).

8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.

b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

(Source: Amended at 44 Ill. Reg. ~~—~~, effective ~~_____~~)

Section 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste

An SQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or the notification requirements of section 3010 of RCRA (42 USC 6930), provided that all of the following conditions for exemption listed in this Section are met:

a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.

b) Accumulation. The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:

1) Accumulation Limit. The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);

2) Accumulation of Hazardous Waste in Containers

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

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

C) Management of Containers

i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.

E) Special Conditions for Accumulation of Incompatible Wastes

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

ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the generator complies with 35 Ill. Adm. Code 725.117(b).

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

3) Accumulation of Hazardous Waste in Tanks

A) This subsection (b)(3)(A) corresponds with 40 CFR 262.116(b)(3)(i), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

B) An SQG of hazardous waste must comply with the following general operating conditions:

i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

iv) Where hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, where present:

i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;

iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b) (3) (ii) (C);

iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and

v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, the SQG must immediately take remedial action.

D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in subsections (b) (3) (C) (i) through (b) (3) (C) (v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

E) This subsection (b) (3) (E) corresponds with 40 CFR 262.116(b) (3) (v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.

G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:

i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.

ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

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

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

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

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

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

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

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or

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

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

6) Labeling and Marking of Containers and Tanks

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

i) The words "Hazardous Waste";

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

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

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

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

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35

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

iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

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

7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.

8) Preparedness and Prevention

A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b) (8) (B) (i) through (b) (8) (B) (iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.

i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, as necessary to assure its proper operation in time of emergency.

D) Access to Communications or Alarm System

i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste, all personnel involved in the operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).

ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).

E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

F) Arrangements with Local Authorities

i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. Where more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction:

www.illinois.gov/?iema/Preparedness/?SERC/?Documents/?LEPC_ReleaseReportingContactList.pdf.

ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.

B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

i) The name and emergency telephone number of the emergency coordinator;

ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;

D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:

i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;

ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;

iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424-8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).

d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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

e) ~~Rejected Loads Load. An SQG may accumulate returned waste on site in accordance with subsections (a) and (b) if the SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste but which the generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on-~~

~~site in accordance with subsections (a) through (d). Upon receipt of the returned shipment, the SQG must do either of the following:~~

1) An SQG may accumulate returned waste on site in accordance with subsections (a) through (d) under the following conditions:

A) The SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste; and

B) The generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172.

2) Upon receipt of the returned shipment, the SQG must do either of the following:

A1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

B2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

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

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

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

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

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

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

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

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

D) Management of Containers

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

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

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

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes

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

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

G) Special Conditions for Accumulation of Incompatible Wastes

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

ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

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

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

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

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

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

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

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

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

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or

other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

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

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

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

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

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

5) Labeling and Marking of Containers and Tanks

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

i) The words "Hazardous Waste";

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

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

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

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

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

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

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

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

7) Personnel Training

A) Personnel Training Program

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

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

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring

equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

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

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

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

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

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

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

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

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

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

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

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

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

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

B) Notification for Closure of the Facility

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

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

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

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

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

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

i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of

hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

A) Requirements for Managing F006 Waste

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

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

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

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

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

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

i) The words "Hazardous Waste"; and

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

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

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

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

to 30 days or an exception to the accumulation limit on a case-by-case basis.

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

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

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

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

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

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

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

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

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

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

LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

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

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

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

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

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 44 Ill. Reg. _____, effective _____)

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 44 Ill. Reg. _____, effective _____)

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS
APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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 44 Ill. Reg. _____, effective _____)

SUBPART H: TRANSBOUNDARY SHIPMENTS OF
HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section 722.181 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart H and to other provisions within this Part 722 as specifically indicated:

"Amber control procedures" means the controls listed in Section D of Annex A ("Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

"Amber waste" means a waste listed in Appendix 4 ("List of Wastes Subject to the Amber Control Procedure") to Annex A and in Annex C ("OECD Consolidated List of Wastes Subject to the Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

"Competent authority" means the regulatory authority or authorities of countries concerned having jurisdiction over transboundary ~~trans-boundary~~ movements of wastes.

BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country:
<http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

"Countries concerned" means the countries of export or import and any countries of transit. Use of singular "concerned country" is contemplated within this definition where the text refers only to a single country.

"Country of export" means any country from which a transboundary ~~trans-boundary~~ movement of hazardous waste is planned to be initiated or is initiated.

"Country of import" means any country to which a transboundary-~~trans-boundary~~ movement of hazardous waste is planned or takes place for the purpose of submitting the waste to recovery or disposal operations in that country.

"Country of transit" means any country other than the country of export or country of import across which a transboundary ~~trans-boundary~~ movement of waste is planned to be initiated or takes place.

"Disposal operations" means activities that do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use, or alternate uses, which include the following:

- D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.
- D2 Land treatment, such as biodegradation of liquids or sludges in soils.
- D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.
- D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.
- D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.
- D6 Release into a water body other than a sea or ocean, and other than by operation D4.
- D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.
- D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- D10 Incineration on land.
- D11 Incineration at sea.
- D12 Permanent storage.
- D13 Blending or mixing, prior to any of operations D1 through D12.
- D14 Repackaging, prior to any of operations D1 through D13.
- D15 Interim storage, prior to any of operations D1 through D12 (for transboundary movements other than with Canada).
- DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).
- DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).

"Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations at the destination.

"Exporter" (designated as "primary exporter" in the certification statement on the RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the person domiciled in the United States that originates the movement document in accordance with Section 722.183(d) or the manifest in accordance with Subpart B specifying ~~specifying~~ a foreign receiving facility as the destination of the hazardous waste or any recognized trader that proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

"Foreign exporter" means the person under the jurisdiction of the country of export that has, or will have at the time the planned transboundary ~~trans-boundary~~ movement commences, possession or other forms of legal control of the hazardous waste and that proposes shipment of hazardous waste to the United States for recovery or disposal operations.

"Foreign importer" means the person assigned possession or other form of legal control of the hazardous waste upon receipt of the exported hazardous waste in the country of import.

"Foreign receiving facility" means a facility that operates or is authorized to operate under the importing country's applicable domestic law to receive the hazardous wastes and to perform recovery or disposal operations on them.

"Green control procedures" means the controls listed in Section C of Annex A ("Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

"Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated List of Wastes Subject to the Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

"Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations at the destination.

"Importer" means the person that is assigned possession or other form of legal control of the hazardous waste at the time the imported hazardous waste is received in the United States.

"OECD" means the Organisation for Economic Co-operation and Development.

"OECD area" means all land or marine areas under the national jurisdiction of any OECD member country. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

"OECD Guidance Manual" means "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the segments incorporated by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156. BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation "C(2001)107/FINAL", USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

"OECD member country" means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.

BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD member ~~Member~~-countries on the Internet. (<https://www.epa.gov/?hwgenerators/?international-agreements-transboundary-shipments-hazardous-waste#oecd>).

"Receiving facility" means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other applicable domestic laws.

"Recognized trader" means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transboundary ~~trans-boundary~~ movements of wastes destined for recovery operations.

"Recovery facility" means a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types of operations:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy,

R2 Solvent reclamation or regeneration,

R3 Recycling or reclamation of organic substances that are not used as solvents,

R4 Recycling or reclamation of metals and metal compounds,

R5 Recycling or reclamation of other inorganic materials,

R6 Regeneration of acids or bases,

R7 Recovery of components used for pollution abatement,

R8 Recovery of components from used catalysts,

R9 Used oil re-refining or other reuses of previously used oil,

R10 Land treatment resulting in benefit to agriculture or ecological improvement,

R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 (for transboundary shipments other than with Canada),

R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 (for transboundary shipments other than with Canada), and

R13 Accumulation of material intended for any operation numbered R1 through R12 (for transboundary shipments other than with Canada).

RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).

RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).

RC16 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

"Transboundary ~~Trans-boundary~~ movement" means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

"USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends to the exporter documenting the specific terms of the country of import's consent and any countries of transit's consents.

BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the definition of "export license" in 15 CFR 30.1.

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

Section 722.182 General Conditions

a) Scope. The level of control for exports and imports of waste is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.

1) Green Wastes

A) Green waste that is not hazardous waste is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.

B) Green waste that is hazardous waste is subject to the requirements of this Subpart H.

2) Amber Wastes

A) Amber waste that is hazardous waste is subject to the Amber control procedures set forth in this Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

i) For exports, exporter must comply with Section 722.183.

ii) For imports, the recovery or disposal facility and the importer must comply with Section 722.184.

B) Amber waste that is not hazardous waste, but which is considered hazardous by the other country, is subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements

of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of this Subpart H.

3) Mixtures

A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes that is hazardous waste is subject to the requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for transboundary ~~trans-boundary~~ movements, as follows:

A) If such waste is hazardous waste, the waste is subject to the requirements of this Subpart H.

B) If such waste is not hazardous waste, the waste is not subject to the requirements of this Subpart H.

b) General Conditions Applicable to Transboundary ~~Trans-Boundary~~ Movements of Hazardous Waste

1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;

2) The transboundary ~~trans-boundary~~ movement must comply with applicable international transport agreements; and

BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries must comply with all applicable international and national laws and regulations.

c) Duty to return wastes subject to the Amber control procedures during transit through the United States. When a transboundary-~~trans-boundary~~ movement of hazardous waste subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries.

d) Laboratory Analysis Exemption. Export or import of a hazardous waste sample is exempt from the requirements of this Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in this Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington, DC 20460.

2) For Hand-Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division
Environmental Protection Agency
William Jefferson Clinton South Bldg., Room 6144
12th St. and Pennsylvania Ave NW.
Washington, DC 20004.

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

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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