

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Universal Waste Management
- 2) Code Citation: 35 Ill. Adm. Code 733
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
733.101	Amendment
733.103	Amendment
733.106	New Section
733.109	Amendment
733.113	Amendment
733.114	Amendment
733.132	Amendment
733.133	Amendment
733.134	Amendment
733.180	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 733 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 726, 728, 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 733 incorporate segments of USEPA's Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include a needed correction in a rule not directly related to USEPA amendments.

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 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

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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 JCAR.

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

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board

## POLLUTION CONTROL BOARD

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100 W. Randolph, 11-500  
Chicago IL 60601

312/814-6924  
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at [pcb.illinois.gov](http://pcb.illinois.gov).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

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

6 PART 733  
7 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT  
8

9 SUBPART A: GENERAL  
10

11 Section

- 12 733.101 Scope  
13 733.102 Applicability: Batteries  
14 733.103 Applicability: Pesticides  
15 733.104 Applicability: Mercury-Containing Equipment  
16 733.105 Applicability: Lamps  
17 733.106 Applicability: ~~Aerosol Cans Mercury-Containing Equipment (Repealed)~~  
18 733.107 Applicability: Mercury-Containing Lamps (Repealed)  
19 733.108 Applicability: Household and Conditionally Exempt Small Quantity Generator  
20 Waste  
21 733.109 Definitions  
22

23 SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS  
24

25 Section

- 26 733.110 Applicability  
27 733.111 Prohibitions  
28 733.112 Notification  
29 733.113 Waste Management  
30 733.114 Labeling and Marking  
31 733.115 Accumulation Time Limits  
32 733.116 Employee Training  
33 733.117 Response to Releases  
34 733.118 Off-Site Shipments  
35 733.119 Tracking Universal Waste Shipments  
36 733.120 Exports  
37

38 SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS  
39

40 Section

- 41 733.130 Applicability  
42 733.131 Prohibitions  
43 733.132 Notification

- 44 733.133 Waste Management
- 45 733.134 Labeling and Marking
- 46 733.135 Accumulation Time Limits
- 47 733.136 Employee Training
- 48 733.137 Response to Releases
- 49 733.138 Off-Site Shipments
- 50 733.139 Tracking Universal Waste Shipments
- 51 733.140 Exports

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53 SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

54

55 Section

- 56 733.150 Applicability
- 57 733.151 Prohibitions
- 58 733.152 Waste Management
- 59 733.153 Accumulation Time Limits
- 60 733.154 Response to Releases
- 61 733.155 Off-site Shipments
- 62 733.156 Exports

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64 SUBPART E: STANDARDS FOR DESTINATION FACILITIES

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66 Section

- 67 733.160 Applicability
- 68 733.161 Off-Site Shipments
- 69 733.162 Tracking Universal Waste Shipments

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71 SUBPART F: IMPORT REQUIREMENTS

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73 Section

- 74 733.170 Imports

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76 SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

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78 Section

- 79 733.180 General
- 80 733.181 Factors for Petitions to Include Other Wastes

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

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85 SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-  
86 10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill.

87 Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26,  
88 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29  
89 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352,  
90 effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016;  
91 amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018;  
92 amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-3/R20-11 at 44  
93 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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95 SUBPART A: GENERAL  
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97 **Section 733.101 Scope**  
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- 99 a) This Part establishes requirements for managing the following:  
100  
101 1) Batteries, as described in Section 733.102;  
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103 2) Pesticides, as described in Section 733.103;  
104  
105 3) Mercury-containing equipment, as described in Section 733.104;~~and~~  
106  
107 4) Lamps, as described in Section 733.105; ~~and~~;  
108  
109 5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.  
110  
111 b) This Part provides an alternative set of management standards in lieu of regulation  
112 pursuant to 35 Ill. Adm. Code 702 through 705 and 720 through 728.  
113  
114 c) Electronic Reporting. The filing of any document pursuant to any provision of  
115 this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

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117 BOARD NOTE: Subsection (c) is derived from 40 CFR 3, 271.10(b), 271.11(b),  
118 and 271.12(h)-(2017).  
119

120 (Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
121

122 **Section 733.103 Applicability: Pesticides**  
123

- 124 a) Pesticides Covered under This Part. The requirements of this Part apply to  
125 persons managing pesticides, as described in Section 733.109, that meet the  
126 following conditions, except those listed in subsection (b):  
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128 1) Recalled pesticides, as follows:  
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- A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or
- B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or
- 2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.
- b) Pesticides Not Covered under This Part. The requirements of this Part do not apply to persons managing the following pesticides:
  - 1) Recalled pesticides described in subsection (a)(1) and unused pesticide products described in subsection (a)(2) that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);
  - 2) Pesticides not meeting the conditions set forth in subsection (a) must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728, except that aerosol cans, as defined in 35 Ill. Adm. Code 733.109, that contain pesticides may be managed as aerosol can universal waste under Section 733.113(e) or 733.133(e);
  - 3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) or those that are not wastes as described in subsection (d); and
  - 4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3)) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
- c) When a Pesticide Becomes a Waste
  - 1) A recalled pesticide described in subsection (a)(1) becomes a waste on the

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first date on which both of the following conditions apply:

- A) The generator of the recalled pesticide agrees to participate in the recall; and
- B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2) An unused pesticide product described in subsection (a)(2) becomes a waste on the date the generator decides to discard it.

d) Pesticides That Are Not Wastes. The following pesticides are not wastes:

1) Recalled pesticides described in subsection (a)(1), provided that either of the following conditions exist:

- A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or
- B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

2) Unused pesticide products described in subsection (a)(2), if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

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

**Section 733.106 Applicability: Aerosol Cans~~Mercury-Containing Equipment (Repealed)~~**



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- a) Aerosol Cans Covered under This Part. The requirements of this Part apply to persons managing aerosol cans, as described in Section 733.109, except those listed in subsection (b).
- b) Aerosol Cans Not Covered under This Part. The requirements of this Part do not apply to persons managing the following types of aerosol cans:
  - 1) Aerosol Cans That Are Not Yet Waste under 35 Ill. Adm. Code 721. Subsection (c) describes when an aerosol can becomes a waste;
  - 2) Aerosol Cans That Are Not Hazardous Waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or the aerosol can contains a substance that is listed in Subpart D of 35 Ill. Adm. Code 721; and
  - 3) Aerosol cans that meet the standard for empty containers under 35 Ill. Adm. Code 721.107.
- c) Generation of Waste Aerosol Cans
  - 1) A used aerosol can becomes a waste when it is discarded.
  - 2) An unused aerosol can becomes a waste when the handler decides to discard it.

(Source: Former Section 733.106 repealed at 31 Ill. Reg. 1352, effective December 20, 2006; new Section 733.106 added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 733.109 Definitions**

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and that is fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an

259 electrolyte, plus such connections (electrical and mechanical) as may be needed to  
 260 allow the cell to deliver or receive electrical energy. The term battery also  
 261 includes an intact, unbroken battery from which the electrolyte has been removed.  
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263 "Destination facility" means a facility that treats, disposes of, or recycles a  
 264 particular category of universal waste, except those management activities  
 265 described in Sections 733.113(a) and (c) and 733.133(a) and (c). A facility at  
 266 which a particular category of universal waste is only accumulated is not a  
 267 destination facility for purposes of managing that category of universal waste.  
 268

269 "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC  
 270 136 through 136y).  
 271

272 "Generator" means any person, by site, whose act or process produces hazardous  
 273 waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a  
 274 hazardous waste to become subject to regulation.  
 275

276 "Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an  
 277 electric lighting device. A lamp is specifically designed to produce radiant  
 278 energy, most often in the ultraviolet, visible, or infra-red regions of the  
 279 electromagnetic spectrum. Common examples of universal waste electric lamps  
 280 include, but are not limited to, fluorescent, high intensity discharge, neon,  
 281 mercury vapor, high pressure sodium, and metal halide lamps.  
 282

283 "Large quantity handler of universal waste" means a universal waste handler (as  
 284 defined in this Section) that accumulates 5,000 kilograms or more total of  
 285 universal waste (batteries, pesticides, mercury-containing equipment, ~~or lamps,~~ or  
 286 aerosol cans, calculated collectively) at any time. This designation as a large  
 287 quantity handler of universal waste is retained through the end of the calendar  
 288 year in which the 5,000-kilogram limit is met or exceeded.  
 289

290 "Mercury-containing equipment" means a device or part of a device (including  
 291 thermostats, but excluding batteries and lamps) that contains elemental mercury  
 292 integral to its function.  
 293

294 "On-site" means the same or geographically contiguous property that may be  
 295 divided by public or private right-of-way, provided that the entrance and exit  
 296 between the properties is at a cross-roads intersection, and access is by crossing as  
 297 opposed to going along the right of way. Non-contiguous properties, owned by  
 298 the same person but connected by a right-of-way that that person controls and to  
 299 which the public does not have access, are also considered on-site property.  
 300

301 "Pesticide" means any substance or mixture of substances intended for

302 preventing, destroying, repelling, or mitigating any pest or intended for use as a  
303 plant regulator, defoliant, or desiccant, other than any article that fulfills one of  
304 the following descriptions:  
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306 It is a new animal drug under section 201(v) of the Federal Food, Drug  
307 and Cosmetic Act (FFDCA) (21 USC 321(v)), incorporated by reference  
308 in 35 Ill. Adm. Code 720.111;  
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310 It is an animal drug that has been determined by regulation of the federal  
311 Secretary of Health and Human Services pursuant to FFDCA section  
312 512(j) (21 USC 360b(j)), incorporated by reference in 35 Ill. Adm. Code  
313 720.111(c), to be an exempted new animal drug; or  
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315 It is an animal feed under FFDCA section 201(w) (21 USC 321(w)),  
316 incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or  
317 contains any substances described in either of the two preceding  
318 paragraphs of this definition.  
319

320 BOARD NOTE: The second exception of corresponding 40 CFR 273.6  
321 reads as follows: "Is an animal drug that has been determined by  
322 regulation of the Secretary of Health and Human Services not to be a new  
323 animal drug." This is very similar to the language of section 2(u) of the  
324 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC  
325 136(u)). The three exceptions, taken together, appear intended not to  
326 include as "pesticide" any material within the scope of federal Food and  
327 Drug Administration regulation. The Board codified this provision with  
328 the intent of retaining the same meaning as its federal counterpart while  
329 adding the definiteness required under Illinois law.  
330

331 "Small quantity handler of universal waste" means a universal waste handler (as  
332 defined in this Section) that does not accumulate 5,000 kilograms or more total of  
333 universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or  
334 aerosol cans, calculated collectively) at any time.  
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336 "Thermostat" means a temperature control device that contains metallic mercury  
337 in an ampule attached to a bimetal sensing element and mercury-containing  
338 ampules that have been removed from such a temperature control device in  
339 compliance with the requirements of Section 733.113(c)(2) or 733.133(c)(2).  
340

341 "Universal waste" means any of the following hazardous wastes that are subject to  
342 the universal waste requirements of this Part:  
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344 Batteries, as described in Section 733.102;

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- 346 Pesticides, as described in Section 733.103;
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- 348 Mercury-containing equipment, as described in Section 733.104; ~~and~~
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- 350 Lamps, as described in Section 733.105; and.
- 351
- 352 Aerosol cans, as described in Section 733.106.
- 353

354 "Universal waste handler" means either of the following:

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356 A generator (as defined in this Section) of universal waste; or

357

358 The owner or operator of a facility, including all contiguous property, that

359 receives universal waste from other universal waste handlers, accumulates

360 universal waste, and sends universal waste to another universal waste

361 handler, to a destination facility, or to a foreign destination.

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363 Universal waste handler does not mean:

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365 A person that treats (except pursuant to the provisions of Section

366 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles

367 (except under Section 733.113(e) or 733.133(e)) universal waste;

368 or

369

370 A person engaged in the off-site transportation of universal waste

371 by air, rail, highway, or water, including a universal waste transfer

372 facility.

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374 "Universal waste transfer facility" means any transportation-related facility

375 including loading docks, parking areas, storage areas, and other similar areas

376 where shipments of universal waste are held during the normal course of

377 transportation for ten days or less.

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379 "Universal waste transporter" means a person engaged in the off-site

380 transportation of universal waste by air, rail, highway, or water.

381

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

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384 **SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS**

385

386 **Section 733.113 Waste Management**

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- a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
  - 1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
  - 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
    - A) Sorting batteries by type;
    - B) Mixing battery types in one container;
    - C) Discharging batteries so as to remove the electric charge;
    - D) Regenerating used batteries;
    - E) Disassembling batteries or battery packs into individual batteries or cells;
    - F) Removing batteries from consumer products; or
    - G) Removing electrolyte from batteries; and
  - 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
    - A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other

431 waste and is subject to 35 Ill. Adm. Code 722.  
432

- 433 B) If the electrolyte or other solid waste is not hazardous, the handler  
434 may manage the waste in any way that is in compliance with  
435 applicable federal, State, or local solid (non-hazardous) waste  
436 regulations.  
437

438 BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807  
439 through 817 to determine whether additional facility siting, special  
440 waste, or non-hazardous waste regulations apply to the waste.  
441 Consult the ordinances of relevant units of local government to  
442 determine whether local requirements apply.  
443

- 444 b) Universal Waste Pesticides. A small quantity handler of universal waste must  
445 manage universal waste pesticides in a way that prevents releases of any universal  
446 waste or component of a universal waste to the environment. The universal waste  
447 pesticides must be contained in one or more of the following:  
448

- 449 1) A container that remains closed, structurally sound, compatible with the  
450 pesticide, and that lacks evidence of leakage, spillage, or damage that  
451 could cause leakage under reasonably foreseeable conditions;  
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453 2) A container that does not meet the requirements of subsection (b)(1),  
454 provided that the unacceptable container is overpacked in a container that  
455 does meet the requirements of subsection (b)(1);  
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457 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725,  
458 except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or  
459  
460 4) A transport vehicle or vessel that is closed, structurally sound, compatible  
461 with the pesticide, and that lacks evidence of leakage, spillage, or damage  
462 that could cause leakage under reasonably foreseeable conditions.  
463

- 464 c) Universal Waste Mercury-Containing Equipment. A small quantity handler of  
465 universal waste must manage universal waste mercury-containing equipment in a  
466 way that prevents releases of any universal waste or component of a universal  
467 waste to the environment, as follows:  
468

- 469 1) A small quantity handler of universal waste must place in a container any  
470 universal waste mercury-containing equipment with non-contained  
471 elemental mercury or that shows evidence of leakage, spillage, or damage  
472 that could cause leakage under reasonably foreseeable conditions. The  
473 container must be closed; must be structurally sound; must be compatible

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with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

- 2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:
  - A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;
  - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
  - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable ~~meets the~~ requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728722.115;
  - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728722.115;
  - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
  - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
  - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
  - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

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- 3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:
    - A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
    - B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2).
  
  - 4) Required Hazardous Waste Determination and Further Waste Management
    - A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
      - i) Mercury or clean-up residues resulting from spills or leaks; or
      - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).
    - B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
    - C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.
- BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special



waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
- 2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and
- 3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
  - A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed  $0.1 \text{ mg/m}^3$  when measured on the basis of time weighted average over an eight-hour period;
  - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
    - i) Name and address of the handler;
    - ii) Estimated monthly amount of lamps crushed; and
    - iii) The technology employed for crushing, including any

603 certification or testing data provided by the manufacturer of  
604 the crushing unit verifying that the crushing device  
605 achieves the emission controls required in subsection  
606 (d)(5)(A);  
607

608 C) The handler immediately transfers any material recovered from a  
609 spill or leak to a container that meets the requirements of 35 Ill.  
610 Adm. Code 722.115, and has available equipment necessary to  
611 comply with this requirement;  
612

613 D) The handler ensures that the area in which the lamps are crushed is  
614 well-ventilated and monitored to ensure compliance with  
615 applicable OSHA exposure levels for mercury;  
616

617 E) The handler ensures that employees crushing lamps are thoroughly  
618 familiar with proper waste mercury handling and emergency  
619 procedures, including transfer of mercury from containment  
620 devices to appropriate containers; and  
621

622 F) The crushed lamps are stored in closed, non-leaking containers that  
623 are in good condition (e.g., no severe rusting, apparent structural  
624 defects or deterioration), suitable to prevent releases during  
625 storage, handling, and transportation.  
626

627 e) Aerosol Cans. A small quantity handler of universal waste must manage  
628 universal waste aerosol cans in a way that prevents releases of any universal  
629 waste or component of a universal waste to the environment, as follows:  
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631 1) A small quantity handler must accumulate universal waste aerosol cans in  
632 a container that is structurally sound, compatible with the contents of the  
633 aerosol cans; lacks evidence of leakage, spillage, or damage that could  
634 cause leakage under reasonably foreseeable conditions; and is protected  
635 from sources of heat.  
636

637 2) A small quantity handler must package universal waste aerosol cans that  
638 show evidence of leakage in a separate closed container or overpacked  
639 with absorbents, or the small quantity handler must immediately puncture  
640 and drain the cans in accordance with the requirements of subsection  
641 (e)(4).  
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643 3) A small quantity handler of universal waste may conduct the following  
644 activities as long as each individual aerosol can is not breached and  
645 remains intact:

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- A) Sorting aerosol cans by type;
  - B) Mixing intact cans in one container; and
  - C) Removing actuators to reduce the risk of accidental release; and
- 4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:
- A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.
  - B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
  - C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.
  - D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.
  - E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and

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720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

- F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid waste regulations.
  
- G) The small quantity handler must have a written procedure in place in the event of a spill or leak and must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

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

**Section 733.114 Labeling and Marking**

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries", "Waste Batteries", or "Used Batteries".
  
- b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:
  - 1) The label that was on or accompanied the product as sold or distributed; and
  - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".
  
- c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
  - 1) Pesticide Labeling
    - A) The label that was on the product when purchased, if still legible;
    - B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 49 CFR

731 172 (Hazardous Materials Table, Special Provisions, Hazardous  
732 Materials Communications, Emergency Response Information, and  
733 Training Requirements), incorporated by reference in 35 Ill. Adm.  
734 Code 720.111(b); or  
735

736 C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B)  
737 is not feasible, another label prescribed or designated by the waste  
738 pesticide collection program administered or recognized by a state;  
739 and  
740

741 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".  
742

743 d) Universal Waste Mercury-Containing Equipment and Universal Waste  
744 Thermostat Labeling  
745

746 1) Universal waste mercury-containing equipment (i.e., each device) or a  
747 container in which the equipment is contained must be labeled or marked  
748 clearly with any one of the following phrases: "Universal Waste –  
749 Mercury-Containing Equipment", or "Waste Mercury-Containing  
750 Equipment", or "Used Mercury-Containing Equipment".  
751

752 2) Universal waste thermostats (i.e., each thermostat) or a container in which  
753 the thermostats are contained must be labeled or marked clearly with any  
754 one of the following phrases: "Universal Waste – Mercury Thermostats",  
755 or "Waste Mercury Thermostats", or "Used Mercury Thermostats".  
756

757 e) Each lamp or a container or package in which such lamps are contained must be  
758 labeled or clearly marked with one of the following phrases: "Universal Waste –  
759 Lamps", "Waste Lamps", or "Used Lamps".  
760

761 f) A small quantity handler must clearly label or mark its universal waste aerosol  
762 cans (i.e., each aerosol can), or a container in which the aerosol cans are  
763 contained, with any of the following phrases: "Universal Waste – Aerosol Cans",  
764 "Waste Aerosol Cans", or "Used Aerosol Cans".  
765

766 (Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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768 SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS  
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770 **Section 733.132 Notification**  
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772 a) Written Notification of Universal Waste Management  
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- 1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.
  - 2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and which has received a USEPA Identification Number is not required to renotify pursuant to this Section.
  - 3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides pursuant to this Section.

791 b) This notification must include the following:

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- 1) The universal waste handler's name and mailing address;
  - 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
  - 3) The address or physical location of the universal waste management activities;
  - 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans); and
  - 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

809 BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained  
810 that the generator or consolidation point may use Notification of RCRA Subtitle C  
811 Activities (Site Identification Form) (USEPA Form 8700-12) for notification.  
812 The generator or consolidation point must notify the Agency, either by submitting  
813 USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is  
814 available from the Agency, Bureau of Land (217-782-6762). It is also available  
815 on-line for download in PDF file format:  
816 [www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-)

817 transporters-and-treatment-storage-and. USEPA further explained that it is not  
818 necessary for the handler to aggregate the amounts of waste at multiple non-  
819 contiguous sites for the purposes of the 5,000 kilogram determination.  
820

821 (Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
822

823 **Section 733.133 Waste Management**  
824

825 a) Universal Waste Batteries. A large quantity handler of universal waste must  
826 manage universal waste batteries in a manner that prevents releases of any  
827 universal waste or component of a universal waste to the environment, as follows:  
828

829 1) A large quantity handler of universal waste must contain any universal  
830 waste battery that shows evidence of leakage, spillage, or damage that  
831 could cause leakage under reasonably foreseeable conditions in a  
832 container. The container must be closed, structurally sound, compatible  
833 with the contents of the battery, and must lack evidence of leakage,  
834 spillage, or damage that could cause leakage under reasonably foreseeable  
835 conditions.  
836

837 2) A large quantity handler of universal waste may conduct the following  
838 activities, as long as the casing of each individual battery cell is not  
839 breached and remains intact and closed (except that cells may be opened  
840 to remove electrolyte but must be immediately closed after removal):  
841

842 A) Sorting batteries by type;

843 B) Mixing battery types in one container;

844 C) Discharging batteries so as to remove the electric charge;

845 D) Regenerating used batteries;

846 E) Disassembling batteries or battery packs into individual batteries or  
847 cells;

848 F) Removing batteries from consumer products; or

849 G) Removing electrolyte from batteries.  
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851 3) A large quantity handler of universal waste that removes electrolyte from  
852 batteries or that generates other solid waste (e.g., battery pack materials,  
853 discarded consumer products) as a result of the activities listed in  
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860 subsection (a)(2) must determine whether the electrolyte or other solid  
861 waste exhibits a characteristic of hazardous waste identified in Subpart C  
862 of 35 Ill. Adm. Code 721.

863  
864 A) If the electrolyte or other solid waste exhibits a characteristic of  
865 hazardous waste, it must be managed in compliance with all  
866 applicable requirements of 35 Ill. Adm. Code 702 through 705 and  
867 720 through 728. The handler is considered the generator of the  
868 hazardous electrolyte or other waste and is subject to 35 Ill. Adm.  
869 Code 722.

870  
871 B) If the electrolyte or other solid waste is not hazardous, the handler  
872 may manage the waste in any way that is in compliance with  
873 applicable federal, State, or local solid (non-hazardous) waste  
874 regulations.

875  
876 BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807  
877 through 817 to determine whether additional facility siting, special  
878 waste, or non-hazardous waste regulations apply to the waste.  
879 Consult the ordinances of relevant units of local government to  
880 determine whether local requirements apply.

881  
882 b) Universal Waste Pesticides. A large quantity handler of universal waste must  
883 manage universal waste pesticides in a manner that prevents releases of any  
884 universal waste or component of a universal waste to the environment. The  
885 universal waste pesticides must be contained in one or more of the following:

- 886  
887 1) A container that remains closed, structurally sound, compatible with the  
888 pesticide, and that lacks evidence of leakage, spillage, or damage that  
889 could cause leakage under reasonably foreseeable conditions;  
890  
891 2) A container that does not meet the requirements of subsection (b)(1),  
892 provided that the unacceptable container is overpacked in a container that  
893 does meet the requirements of subsection (b)(1);  
894  
895 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725,  
896 except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or  
897  
898 4) A transport vehicle or vessel that is closed, structurally sound, compatible  
899 with the pesticide, and that lacks evidence of leakage, spillage, or damage  
900 that could cause leakage under reasonably foreseeable conditions.

901  
902 c) Universal Waste Mercury-Containing Equipment. A large quantity handler of



903 universal waste must manage universal waste mercury-containing equipment in a  
904 manner that prevents releases of any universal waste or component of a universal  
905 waste to the environment, as follows:  
906

- 907 1) A large quantity handler of universal waste must place in a container any  
908 universal mercury-containing equipment with non-contained elemental  
909 mercury or that shows evidence of leakage, spillage, or damage that could  
910 cause leakage under reasonably foreseeable conditions. The container  
911 must be closed; must be structurally sound; must be compatible with the  
912 contents of the device; must lack evidence of leakage, spillage, or damage  
913 that could cause leakage under reasonably foreseeable conditions; and  
914 must be reasonably designed to prevent the escape of mercury into the  
915 environment by volatilization or any other means.  
916
- 917 2) A large quantity handler of universal waste may remove mercury-  
918 containing ampules from universal waste mercury-containing equipment,  
919 provided the handler follows each of the following procedures:  
920
- 921 A) It removes the ampules in a manner designed to prevent breakage  
922 of the ampules;  
923
- 924 B) It removes ampules only over or in a containment device (e.g., tray  
925 or pan sufficient to collect and contain any mercury released from  
926 an ampule in case of breakage);  
927
- 928 C) It ensures that a mercury clean-up system is readily available to  
929 immediately transfer any mercury resulting from spills or leaks  
930 from broken ampules from the containment device to a container  
931 that is subject to all applicable ~~meets the~~ requirements of 35 Ill.  
932 Adm. Code 702, 703, 705, and 720 through 728722.115;  
933
- 934 D) It immediately transfers any mercury resulting from spills or leaks  
935 from broken ampules from the containment device to a container  
936 that meets the requirements of 35 Ill. Adm. Code 702, 703, 705,  
937 and 720 through 728722.115;  
938
- 939 E) It ensures that the area in which ampules are removed is well  
940 ventilated and monitored to ensure compliance with applicable  
941 OSHA exposure levels for mercury;  
942
- 943 F) It ensures that employees removing ampules are thoroughly  
944 familiar with proper waste mercury handling and emergency  
945 procedures, including transfer of mercury from containment

- 946 devices to appropriate containers;  
947  
948 G) It stores removed ampules in closed, non-leaking containers that  
949 are in good condition; and  
950  
951 H) It packs removed ampules in the container with packing materials  
952 adequate to prevent breakage during storage, handling, and  
953 transportation.  
954
- 955 3) A large quantity handler of universal waste mercury-containing equipment  
956 that does not contain an ampule may remove the open original housing  
957 holding the mercury from universal waste mercury-containing equipment  
958 provided the handler does as follows:  
959
- 960 A) It immediately seals the original housing holding the mercury with  
961 an air-tight seal to prevent the release of any mercury to the  
962 environment; and  
963
- 964 B) It follows all requirements for removing ampules and managing  
965 removed ampules pursuant to subsection (c)(2).  
966
- 967 4) Required Hazardous Waste Determination and Further Waste  
968 Management  
969
- 970 A) A large quantity handler of universal waste that removes mercury-  
971 containing ampules from mercury-containing equipment or seals  
972 mercury from mercury-containing equipment in its original  
973 housing must determine whether the following exhibit a  
974 characteristic of hazardous waste identified in Subpart C of 35 Ill.  
975 Adm. Code 721:  
976
- 977 i) Mercury or clean-up residues resulting from spills or leaks;  
978 or  
979
- 980 ii) Other solid waste generated as a result of the removal of  
981 mercury-containing ampules (e.g., the remaining mercury-  
982 containing equipment).  
983
- 984 B) If the mercury, residues, or other solid waste exhibits a  
985 characteristic of hazardous waste, it must be managed in  
986 compliance with all applicable requirements of 35 Ill. Adm. Code  
987 702 through 705 and 720 through 728. The handler is considered  
988 the generator of the mercury, residues, or other waste and must

989 manage it in compliance with 35 Ill. Adm. Code 722.

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- 992 C) If the mercury, residues, or other solid waste is not hazardous, the  
993 handler may manage the waste in any way that is in compliance  
994 with applicable federal, State, or local solid (non-hazardous) waste  
995 regulations.

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997 BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807  
998 through 817 to determine whether additional facility siting, special  
999 waste, or non-hazardous waste regulations apply to the waste.  
1000 Consult the ordinances of relevant units of local government to  
1001 determine whether local requirements apply.

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- 1004 d) Lamps. A large quantity handler of universal waste must manage lamps in a  
1005 manner that prevents releases of any universal waste or component of a universal  
1006 waste to the environment, as follows:

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1008

- 1009 1) A large quantity handler of universal waste lamps must contain all lamps  
1010 in containers or packages that are structurally sound, adequate to prevent  
1011 breakage, and compatible with the contents of the lamps. Such containers  
1012 and packages must remain closed and must lack evidence of leakage,  
1013 spillage, or damage that could cause leakage under reasonably foreseeable  
1014 conditions;

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- 1017 2) A large quantity handler of universal waste lamps must immediately clean  
1018 up and place in a container any lamp that is broken, and the large quantity  
1019 handler must place in a container any lamp that shows evidence of  
1020 breakage, leakage, or damage that could cause the release of mercury or  
1021 other hazardous constituents to the environment. Any container used must  
1022 be closed, structurally sound, compatible with the contents of the lamps,  
1023 and must lack evidence of leakage, spillage, or damage that could cause  
1024 leakage or releases of mercury or other hazardous constituents to the  
1025 environment under reasonably foreseeable conditions; and

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- 1028 3) Large quantity handlers of universal waste lamps may treat those lamps  
1029 for volume reduction at the site where they were generated under the  
1030 following conditions:

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- A) The lamps must be crushed in a closed system designed and  
operated in such a manner that any emission of mercury from the  
crushing system must not exceed 0.1 mg/m<sup>3</sup> when measured on the  
basis of time weighted average over an 8-hour period;

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- B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
  - i) Name and address of the handler;
  - ii) Estimated monthly amount of lamps crushed; and
  - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A);
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

e) Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

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- 2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).
  
- 3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:
  - A) The large quantity handler may sort aerosol cans by type;
  
  - B) The large quantity handler may mix intact cans in one container; and
  
  - C) The large quantity handler may remove actuators to reduce the risk of accidental release; and
  
- 4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:
  - A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.
  
  - B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
  
  - C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

- 1117 D) The large quantity handler must immediately transfer the contents
- 1118 from the waste aerosol can or puncturing device, if applicable, to a
- 1119 container or tank that meets the applicable requirements of 35 Ill.
- 1120 Adm. Code 722.114, 722.115, 722.116, or 722.117.
- 1121
- 1122 E) The large quantity handler must conduct a hazardous waste
- 1123 determination on the contents of the emptied can, as required by 35
- 1124 Ill. Adm. Code 722.111. Any hazardous waste generated as a
- 1125 result of puncturing and draining the aerosol can is subject to all
- 1126 applicable requirements of 35 Ill. Adm. Code 703, 705 and 720
- 1127 through 728. The handler is the generator of the hazardous waste
- 1128 and is subject to 35 Ill. Adm. Code 722.
- 1129
- 1130 F) If the large quantity handler determines that the contents are
- 1131 nonhazardous, the handler may manage the waste in any way that
- 1132 is in compliance with applicable federal, State, and local solid
- 1133 waste regulations.
- 1134
- 1135 G) The large quantity handler must have a written procedure in place
- 1136 in the event of a spill or release and a spill clean-up kit must be
- 1137 provided. The large quantity handler must promptly clean up all
- 1138 spills or leaks of the contents of the aerosol cans.
- 1139

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

**Section 733.134 Labeling and Marking**

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- 1147 a) Universal waste batteries (i.e., each battery), or a container or tank in which the
- 1148 batteries are contained, must be labeled or marked clearly with any one of the
- 1149 following phrases: "Universal Waste – Batteries", or "Waste Batteries", or "Used
- 1150 Batteries".
- 1151
- 1152 b) A container (or multiple container package unit), tank, transport vehicle or vessel
- 1153 in which recalled universal waste pesticides as described in Section 733.103(a)(1)
- 1154 are contained must be labeled or marked clearly as follows:
- 1155
- 1156 1) The label that was on or accompanied the product as sold or distributed;
- 1157 and
- 1158
- 1159 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".

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- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
    - 1) Pesticide Labeling
      - A) The label that was on the product when purchased, if still legible;
      - B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required pursuant to the USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
      - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and
    - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".
  - d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling
    - 1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".
    - 2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".
  - e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste – Lamps", "Waste Lamps", or "Used Lamps".
  - f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the

1203 following phrases: "Universal Waste – Aerosol Cans", "Waste Aerosol Cans", or  
1204 "Used Aerosol Cans".

1205  
1206 (Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1207

1208 SUBPART G: PETITIONS TO INCLUDE OTHER WASTES  
1209

1210 **Section 733.180 General**  
1211

1212 a) Except as provided in subsection (d), anyAny person seeking to add a hazardous  
1213 waste or a category of hazardous waste to this Part may petition for a regulatory  
1214 amendment as follows:  
1215

1216 1) If USEPA has already added the waste or category of waste to federal 40  
1217 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and  
1218 22.4(a) of the Act, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code  
1219 720.120; or  
1220

1221 2) If USEPA has not added the waste or category of waste to federal 40 CFR  
1222 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act, 35  
1223 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code  
1224 720.120 and 720.123.  
1225

1226 BOARD NOTE: The Board cannot add a hazardous waste or category of  
1227 hazardous waste to this Part by general rulemaking until USEPA either authorizes  
1228 the Illinois universal waste regulations or otherwise authorizes the Board to add  
1229 new categories of universal waste. The Board may, however, add a waste or  
1230 category of waste by identical-in-substance rulemaking.  
1231

1232 b) Petitions for Identical-In-Substance Rulemaking  
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1234 1) Any petition for identical-in-substance rulemaking under subsection (a)(1)  
1235 must include a copy of the Federal Register notices of adopted  
1236 amendments in which USEPA promulgated the additions to federal 40  
1237 CFR 273. The Board will evaluate any petition for identical-in-substance  
1238 rulemaking based on the Federal Register notices.  
1239

1240 2) If the petitioner desires expedited Board consideration of the proposed  
1241 amendments to this Part (i.e., adoption within one year of the date of the  
1242 Federal Register notice), it must explicitly request expedited consideration  
1243 and set forth the arguments in favor of such consideration.  
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1245 c) Petitions for General Rulemaking



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- 1) To be successful using the general rulemaking procedure under subsection (a)(2), the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:
  - A) It would be appropriate for the waste or category of waste;
  - B) It would improve management practices for the waste or category of waste; and
  - C) It would improve implementation of the hazardous waste program.
- 2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.
- 3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1).
- d) Hazardous waste pharmaceuticals are regulated by Subpart P of 35 Ill. Adm. Code 726, and USEPA's rules prohibit adding them as a category of hazardous waste for management under this Part.

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

# AGENCY P vs JCAR 101

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

PART 733  
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

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Section

733.101 Scope  
733.102 Applicability: Batteries  
733.103 Applicability: Pesticides  
733.104 Applicability: Mercury-Containing Equipment  
733.105 Applicability: Lamps  
733.106 Applicability: Aerosol Cans ~~Mercury-Containing Equipment~~  
~~(Repealed) Cans~~  
733.107 Applicability: Mercury-Containing Lamps (Repealed)  
733.108 Applicability: Household and Conditionally Exempt Small  
Quantity Generator Waste  
733.109 Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section

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733.113 Waste Management  
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SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section

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733.132 Notification  
733.133 Waste Management  
733.134 Labeling and Marking  
733.135 Accumulation Time Limits  
733.136 Employee Training  
733.137 Response to Releases  
733.138 Off-Site Shipments  
733.139 Tracking Universal Waste Shipments  
733.140 Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section

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733.151 Prohibitions  
733.152 Waste Management  
733.153 Accumulation Time Limits  
733.154 Response to Releases  
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SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section

733.160 Applicability  
733.161 Off-Site Shipments  
733.162 Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section

733.170 Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section

733.180 General  
733.181 Factors for Petitions to Include Other Wastes

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 R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL

Section 733.101 Scope

a) This Part establishes requirements for managing the following:



Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);

2) Pesticides not meeting the conditions set forth in subsection (a) must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728, except that aerosol cans, as defined in 35 Ill. Adm. Code 733.109, that contain pesticides may be managed as aerosol can universal waste under ~~35 Ill. Adm. Code~~ Section 733.113(e) or 733.133(e);

3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) or those that are not wastes as described in subsection (d); and

4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3)) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) When a Pesticide Becomes a Waste

1) A recalled pesticide described in subsection (a)(1) becomes a waste on the first date on which both of the following conditions apply:

A) The generator of the recalled pesticide agrees to participate in the recall; and

B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2) An unused pesticide product described in subsection (a)(2) becomes a waste on the date the generator decides to discard it.

d) Pesticides That Are Not Wastes. The following pesticides are not wastes:

1) Recalled pesticides described in subsection (a)(1), provided that either of the following conditions exist:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

2) Unused pesticide products described in subsection (a)(2), if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

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

Section 733.106 Applicability: Aerosol ~~Cans~~~~Mercury-Containing-Equipment (Repealed)~~Cans

a) Aerosol Cans Covered under This Part. The requirements of this Part apply to persons managing aerosol cans, as described in Section 733.109, except those listed in subsection (b).

b) Aerosol Cans Not Covered under This Part. The requirements of this Part do not apply to persons managing the following types of aerosol cans:

1) Aerosol Cans That Are Not Yet Waste under 35 Ill. Adm. Code 721. ~~subsection~~Subsection (c) describes when an aerosol can becomes a waste;

2) Aerosol Cans That Are Not Hazardous Waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or the aerosol can contains a substance that is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Aerosol cans that meet the standard for empty containers under 35 Ill. Adm. Code 721.107.

c) Generation of Waste Aerosol Cans

1) A used aerosol can becomes a waste when it is discarded.

2) An unused aerosol can becomes a waste when the handler decides to discard it.

(Source: Former Section 733.106 repealed at 31 Ill. Reg. 1352, effective December 20, 2006; ~~New~~new Section ~~Added~~733.106 added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 733.109 Definitions

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and ~~which~~that is fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113 (a) and (c) and 733.133 (a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512(j) (21 USC 360b(j)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~ex-~~ lamps, or aerosol cans, calculated collectively) at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of Section 733.113(c) (2) or 733.133(c) (2).



"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Mercury-containing equipment, as described in Section 733.104; ~~and~~

Lamps, as described in Section 733.105; ~~and~~

Aerosol cans, as described in Section 733.106.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Universal waste handler does not mean:

A person that treats (except pursuant to the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under Section 733.113(e) or 733.133(e)) universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

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

## SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

### Section 733.113 Waste Management

a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

- A) Sorting batteries by type;
- B) Mixing battery types in one container;
- C) Discharging batteries so as to remove the electric charge;
- D) Regenerating used batteries;
- E) Disassembling batteries or battery packs into individual batteries or cells;
- F) Removing batteries from consumer products; or
- G) Removing electrolyte from batteries; and

3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the

ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:

A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable ~~meets the~~ requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728 ~~722.115~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728 ~~722.115~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m<sup>3</sup> when measured on the basis of time weighted average over an eight-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

- i) Name and address of the handler;
- ii) Estimated monthly amount of lamps crushed; and
- iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d) (5) (A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling, and transportation.

e) Aerosol Cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

2) A small quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container or overpacked with absorbents, or the small quantity handler must immediately puncture and drain the cans in accordance with the requirements of subsection (e) (4).

3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

- A) Sorting aerosol cans by type;
- B) Mixing intact cans in one container; and
- C) Removing actuators to reduce the risk of accidental release; and

4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.

D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, ~~state~~State, or local solid waste regulations.

G) The small quantity handler must have a written procedure in place in the event of a spill or leak, and ~~the small quantity handler~~ must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

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

#### Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".



d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury-Containing Equipment", or "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

f) A small quantity handler must clearly label or mark its universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste - Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

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

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.132 Notification

a) Written Notification of Universal Waste Management

1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.

2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and which has received a USEPA Identification Number is not required to renotify pursuant to this Section.

3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides pursuant to this Section.

b) This notification must include the following:

- 1) The universal waste handler's name and mailing address;
- 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- 3) The address or physical location of the universal waste management activities;
- 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans); and
- 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for notification. The generator or consolidation point must notify the Agency, either by submitting USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

[www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-and](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-and). USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

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

#### Section 733.133 Waste Management

a) Universal Waste Batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells

may be opened to remove electrolyte but must be immediately closed after removal):

- A) Sorting batteries by type;
- B) Mixing battery types in one container;
- C) Discharging batteries so as to remove the electric charge;
- D) Regenerating used batteries;
- E) Disassembling batteries or battery packs into individual batteries or cells;
- F) Removing batteries from consumer products; or
- G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:

A) It removes the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable ~~meets the~~ requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728-~~722.115~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728-~~722.115~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c) (2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with

applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A large quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m<sup>3</sup> when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d) (5) (A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

e) Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

A) The large quantity handler may sort aerosol cans by type;

B) The large quantity handler may mix intact cans in one container; and

C) The large quantity handler may remove actuators to reduce the risk of accidental release; and

4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

D) The large quantity handler must immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The large quantity handler must conduct a hazardous waste determination on the contents of the emptied can, as required by 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 703, 705 and 720 through 728. The handler is the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the large quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, ~~state~~State, and local solid waste regulations.

G) The large quantity handler must have a written procedure in place in the event of a spill or release and a spill clean-up kit must be provided. The large quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

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

#### Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked



clearly with any one of the following phrases: "Universal Waste - Batteries", or "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required pursuant to the USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste - Mercury Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the

following phrases: "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the following phrases: "Universal Waste - Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

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

#### SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

##### Section 733.180 General

a) Except as provided in subsection (d), any ~~Any~~ person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:

1) If USEPA has already added the waste or category of waste to federal 40 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and 22.4(a) of the Act, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code 720.120; or

2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act, 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

##### b) Petitions for Identical-In-Substance Rulemaking

1) Any petition for identical-in-substance rulemaking under subsection (a)(1) must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.

2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

##### c) Petitions for General Rulemaking

1) To be successful using the general rulemaking procedure under subsection (a)(2), the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:

A) It would be appropriate for the waste or category of waste;

B) It would improve management practices for the waste or category of waste; and

C) It would improve implementation of the hazardous waste program.

2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.

3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1).

d) Hazardous waste pharmaceuticals are regulated by Subpart P of 35 Ill. Adm. Code 726, and USEPA's rules prohibit adding them as a category of hazardous waste for management under this Part.

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

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	15
Deletions	53
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	68