

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

PART 722
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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5955, May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15263, effective September 3, 2020.

SUBPART A: GENERAL

Section 722.101 Definitions

As used in this Part, the following terms have the following meanings:

“Condition for exemption” means any requirement in Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in 35 Ill. Adm. Code 702, 703, and 724 through 728, or from any requirement for notification under section 3010 of RCRA (42 USC 6930).

“Independent requirement” means a requirement of this Part that states an event, action, or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status, and operating requirements under Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L.

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

Section 722.105 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (2017).

(Source: Renumbered from Section 722.113 and amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.110 Purpose, Scope, and Applicability

- a) This Part establishes standards for generators of hazardous waste, as defined by 35 Ill. Adm. Code 720.110.
 - 1) A person who generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to all the applicable independent requirements in the following provisions:
 - A) Independent Requirements of a VSQG
 - i) Section 722.111(a) through (d) (hazardous waste determination and recordkeeping); and
 - ii) Section 722.113 (generator category determination).
 - B) Independent Requirements of a SQG
 - i) Section 722.111 (hazardous waste determination and recordkeeping);
 - ii) Section 722.113 (generator category determination);

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

- C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.
- 3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.
- b) Determining Generator Category. A generator must use Section 722.113 to determine which provisions of this Part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.
 - c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision.d) Any person that exports or imports hazardous waste must comply with Section 722.118 and Subpart H.
 - e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.
 - f) A farmer that generates waste pesticides that are hazardous waste and that complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.
 - g) Generator Violation and Noncompliance
 - 1) A generator's violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.
 - 2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.
 - h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.

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

that the healthcare facility remains subject to 35 Ill. Adm. Code 726.605 and 726.607 and the optional provisions of 35 Ill. Adm. Code 726.604.

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.111 Hazardous Waste Determination

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure that the waste is properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps:

- a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.
- b) The person must determine whether the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- c) If the waste is not excluded under 35 Ill. Adm. Code 721.104, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If a waste is listed, the person may file a delisting petition under 35 Ill. Adm. Code 720.120 and 720.122 to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.
- d) The person then must also determine whether the waste exhibits one or more hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by following the procedures in subsection (d)(1) or (d)(2), or a combination of both.
 - 1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing

that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in Subpart C of 35 Ill. Adm. Code 721, or an equivalent test method approved by the Agency or the Board under 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

- 2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in Subpart C of 35 Ill. Adm. Code 721 or according to an equivalent method approved by the Administrator under 35 Ill. Adm. Code 720.121 and in accordance with the following:
 - A) A persons testing its waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.
 - B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code 721, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.
- e) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.
- f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code 721.103. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at subsections (c) and (d). The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this Section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at subsection (d)(1). The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (f) is subject to Board review pursuant to Section 40 of the Act.

- g) Identifying USEPA Hazardous Waste Numbers for SQGs and LQGs. If the waste is determined to be hazardous, SQGs and LQGs must identify all applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site, the generator also must mark its containers with all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm. Code 722.132.

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

Section 722.112 USEPA Identification Numbers (Repealed)

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

Section 722.113 Generator Category Determination

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

- a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:
 - 1) Counting the total amount of hazardous waste generated in the calendar month;
 - 2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and
 - 3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).
- b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:
 - 1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;

- 2) Subtracting from each total any amounts of waste exempt from counting, as described in subsections (c) and (d);
 - 3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and
 - 4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.
- c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:
- 1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;
 - 6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;
 - 7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity under Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300;
 - 8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L; or

- 9) A hazardous waste pharmaceutical, as defined in 35 Ill. Adm. Code 726.600, that is subject to or managed under Subpart P of 35 Ill. Adm. Code 726, or a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance that is conditionally exempt under 35 Ill. Adm. Code 726.606.
- d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:
 - 1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;
 - 2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and
 - 3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.
 - e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.
 - f) Mixing Hazardous Waste with Solid Waste
 - 1) VSQG Waste
 - A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
 - B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator

calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.

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

2) SQG and LQG Waste

- A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.
- B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

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

Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month	Generator category
> 1 kg (> 2.2 lb)	Any amount	Any amount	LQG

Any amount	$\geq 1,000$ kg ($\geq 2,200$ lbs)	Any amount	LQG
Any amount	Any amount	> 100 kg (> 220 lbs)	LQG
≤ 1 kg (≤ 2.2 lbs)	> 100 kg and $< 1,000$ kg (> 220 lbs and $< 2,200$ lbs)	≤ 100 kg (≤ 220 lbs)	SQG
≤ 1 kg (≤ 2.2 lbs)	≤ 100 kg	≤ 100 kg (≤ 220 lbs)	VSQG

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

- a) Provided that a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these requirements, except that the VSQG must comply with this Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:
- 1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of “VSQG” in 35 Ill. Adm. Code 720.110;
 - 2) The VSQG complies with Section 722.111(a) through (d);
 - 3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:
 - A) The waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(1); and
 - B) The conditions for exemption in Section 722.117(a) through (g).
 - 4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

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

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

- B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and
- C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).

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

- A) A permitted facility under 35 Ill. Adm. Code 702 and 703;
- B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;
- C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;
- D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and that is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;
- E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;
- F) A facility engaging in either of the following activities:
 - i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or
 - ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

- G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;
- H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:
 - i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. “Control”, for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to “control” the VSQG and LQG.
 - ii) The VSQG marks its containers of hazardous waste with the words “Hazardous Waste” and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
- I) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in 35 Ill. Adm. Code 726.600);
- J) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) that meets the conditions in 35 Ill. Adm. Code 726.602(l) and 726.603(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG; or
- K) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 35 Ill. Adm. Code 721.104(j).

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

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

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

- B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).
 - C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.
- 4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:
- A) When the generator is adding, removing, or consolidating waste; or
 - B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:
 - i) For the proper operation of equipment; or
 - ii) To prevent dangerous situations, such as build-up of extreme pressure.
- 5) A generator must mark or label its container with the following:
- A) The words “Hazardous Waste”; and
 - B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:
- A) Either:

- i) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 722.117(a); or
 - ii) Remove the excess from the satellite accumulation area within three consecutive calendar days to any of a central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a); an on-site interim status or permitted treatment, storage, or disposal facility; or an off-site designated facility.
- B) During the three-consecutive-calendar-day period provided by subsection (a)(6)(A)(ii), the generator must continue to comply with subsections (a)(1) through (a)(5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
- 7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b)(8) and emergency procedures at Section 722.116(b)(9).
- 8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.
- b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked “reserved”. This statement maintains structural consistency with the corresponding federal regulation.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

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

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

- a) **Generation.** The generator must generate in a calendar month no more than the amounts specified in the definition of “SQG” in 35 Ill. Adm. Code 720.110.
- b) **Accumulation.** The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:
 - 1) **Accumulation Limit.** The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);

2) Accumulation of Hazardous Waste in Containers

- A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.
- B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and that are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.
- C) Management of Containers
 - i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.
 - ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.
- D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.
- E) Special Conditions for Accumulation of Incompatible Wastes
 - i) The SQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) must not be placed in the same container, unless the generator complies with 35 Ill. Adm. Code 725.117(b).
 - ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the generator complies with 35 Ill. Adm. Code 725.117(b).

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

3) Accumulation of Hazardous Waste in Tanks

- A) This subsection (b)(3)(A) corresponds with 40 CFR 262.116(b)(3)(i), which USEPA has marked “reserved”. This statement maintains structural consistency with the corresponding federal regulation.
- B) An SQG of hazardous waste must comply with the following general operating conditions:
 - i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).
 - ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.
 - iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
 - iv) If hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).
- C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, if present:
 - i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

- ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;
 - iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);
 - iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and
 - v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule that ensures that the problem does not lead to an environmental or human health hazard. If a hazard is imminent or has already occurred, the SQG must immediately take remedial action.
- D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, if applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.
- E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.
- F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.

- G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:
- i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.
 - ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.
 - iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).
- 4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:
- A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));
 - B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and
 - C) The SQG must maintain on site at the facility the following records readily available for inspection:
 - i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and

associated collection system at least once every 90 days;
and

- ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.
- 5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words “Hazardous Waste” in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:
- A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator’s files prior to operation of the unit; and
 - B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or
 - ii) Documentation that the SQG empties the unit at least once every 90 days.
 - iii) The SQG must maintain inventory logs or records with the above information on site and readily available for inspection.
- 6) Labeling and Marking of Containers and Tanks

- A) Containers. An SQG must mark or label its containers with the following:
- i) The words “Hazardous Waste”;
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.
- B) Tanks. An SQG accumulating hazardous waste in tanks must do the following:
- i) Mark or label its tanks with the words “Hazardous Waste”;
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and
 - iv) Keep inventory logs or records with the above information on site and readily available for inspection.

- 7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.
- 8) Preparedness and Prevention
 - A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.
 - B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.
 - i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
 - iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.
 - C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, if required, as necessary to assure its proper operation in time of emergency.
 - D) Access to Communications or Alarm System

- i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste, all personnel involved in the operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).
 - ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).
- E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- F) Arrangements with Local Authorities
 - i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. If more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements

designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

- ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.
 - iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.
- 9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:
- A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.
 - B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:
 - i) The name and emergency telephone number of the emergency coordinator;
 - ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

- iii) The telephone number of the fire department, unless the facility has a direct alarm.
 - C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;
 - D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:
 - i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;
 - ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;
 - iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424-8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.
- c) **Transporting Waste More Than 200 Miles.** An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).
- d) **Accumulation Time Limit Extension.** An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency

may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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

- e) Rejected Loads
 - 1) An SQG may accumulate returned waste on site in accordance with subsections (a) through (d) under the following conditions:
 - A) The SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste; and
 - B) The generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172.
 - 2) Upon receipt of the returned shipment, the SQG must do either of the following:
 - A) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - B) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.
- f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

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

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

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

- 1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:
 - A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;
 - B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;
 - C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;
 - D) Management of Containers
 - i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.
 - ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.
 - E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.
 - F) Special Conditions for Accumulation of Ignitable and Reactive Wastes
 - i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG

accumulates ignitable or reactive hazardous waste in this area.

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

G) Special Conditions for Accumulation of Incompatible Wastes

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

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

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

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

- B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and
 - C) The LQG must maintain on site at the facility the following records readily available for inspection:
 - i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.
- 4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words “Hazardous Waste” in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:
- A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG’s files prior to operation of the unit; and
 - B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days,

a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures

- ii) Documentation that the LQG empties the unit at least once every 90 days.
- iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.

5) Labeling and Marking of Containers and Tanks

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

- i) The words “Hazardous Waste”;
- ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
- iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

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

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

Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

- iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and
 - iv) Keep inventory logs or records with the above information on site and readily available for inspection.
- 6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).
- 7) Personnel Training
- A) Personnel Training Program
 - i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).
 - ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.
 - iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, if applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

- iv) For facility employees that receive emergency response training under 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training under this Section, provided that the overall facility training meets all the conditions of exemption in this Section.
- B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. An employee must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).
- C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).
- D) The LQG must maintain the following documents and records at the facility:
 - i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
 - ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;
 - iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);
 - iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).
- E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

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

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

- i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or
- ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.

B) Notification for Closure of the Facility

- i) Notify the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.
- ii) Notify the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank, or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.
- iii) An LQG may request additional time to clean close, but it must notify the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-

line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units
- i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.
 - ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.
 - iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.
 - iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.

- D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).
 - E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.
- 9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 35 Ill. Adm. Code 728.
- b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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

- c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:
- 1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;
 - 2) The F006 waste is legitimately recycled through metals recovery;
 - 3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and
 - 4) The LQG manages the F006 waste in accordance with the following requirements:
 - A) Requirements for Managing F006 Waste

- i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).
 - ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).
 - iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.
- B) The LQG is exempt from all requirements of Subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).
- C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.
- D) While accumulating waste on site, the LQG must clearly label or mark each container and tank with the following:
 - i) The words “Hazardous Waste”; and
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.

- E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).
- d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).
- e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

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

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

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

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

- 2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.
 - 3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.
- g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:
- 1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - 2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

- a) An SQG or LQG must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number.
- b) An SQG or LQG that has not received a USEPA identification number must obtain one by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). Upon receiving the request USEPA will assign a USEPA identification number to the generator.
- c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment, storage, or disposal facility that has not received a USEPA identification number.
- d) Re-Notification
 - 1) An SQG must renotify the Agency starting in 2021 and every four years thereafter using USEPA Form 8700-12. The SQG must submit this re-notification by September 1st of each year in which re-notification is required.
 - 2) An LQG must renotify the Agency by March 1 of each even-numbered year thereafter using USEPA Form 8700-12. An LQG may submit this renotification as part of its annual report required by Section 722.141.
- e) A recognized trader must not arrange for import or export of hazardous waste without having received a USEPA identification number from USEPA.

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

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

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

Section 722.120 General Requirements

- a) Manifest Form Required
 - 1) An SQG or LQG that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the

instructions included in the Uniform Hazardous Waste Manifest and Instructions (USEPA Forms 8700-22 and 8700-22A), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- 2) This subsection (a)(2) corresponds with 40 CFR 262.20(a)(2), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.
- 3) E-Manifest. In lieu of using the manifest form specified in subsection (a)(1), a person required to prepare a manifest under subsection (a)(1) may prepare and use an e-Manifest, provided that the person complies with the following requirements:
 - A) Section 722.124 for use of e-Manifests; and
 - B) 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code 720.111, for the reporting of electronic documents to USEPA.
- b) An SQG or LQG must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.
- c) An SQG or LQG may also designate on the manifest one alternate receiving facility that is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.
- d) If the transporter is unable to deliver the hazardous waste to the designated receiving facility or the alternate facility, the SQG or LQG must either designate another receiving facility or instruct the transporter to return the waste.
- e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where the following conditions are fulfilled:
 - 1) The waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments;
 - 2) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
 - 3) The SQG or LQG maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.
- f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if

such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

(Source: Amended at 43 Ill. Reg. 563, effective December 6, 2018)

Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

- a) USEPA exclusively administers requirements for hazardous waste manifest forms and continuation sheets (USEPA Forms 8700-22 and 8700-22A). USEPA prescribes the manifest form format, content, printing, and registration requirements in 40 CFR 262.21.
- b) Use of Approved Manifests
 - 1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e).

BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>.

- 2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

BOARD NOTE: This subsection (b) derives from 40 CFR 262.21(g). It is the only provision in 40 CFRF 262.21 that does not exclusively apply to the form format, content, printing, and registration requirements for manifests.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

Section 722.122 Number of Copies

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.123 Use of the Manifest

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

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

- e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.
- f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:

- 1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:
 - A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - B) Item 18c of the original manifest if the original manifest is used for the returned shipment;
- 2) The generator must provide a copy of the manifest to the transporter;
- 3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and
- 4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.124 Use of the Electronic Manifest

- a) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, and transmitted in accordance with Section 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.
 - 1) Any requirement in 35 Ill. Adm. Code 721 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of Section 722.125.
 - 2) Any requirement in 35 Ill. Adm. Code 721 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

- 3) Any requirement in any provision of 35 Ill. Adm. Code 721 through 728 for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed e-Manifest in the generator's account on the national e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized Agency inspector.
- 4) No generator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the generator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

BOARD NOTE: The Board has rendered the language "and requirement in these regulations" in corresponding 35 Ill. Adm. Code 722.124(a) and (a)(1) through (a)(3) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a). The Board intends that use of the e-Manifest System have the same effect in Illinois as it would where the federal requirements directly apply.

- b) A generator may participate in the e-Manifest System either by accessing the e-Manifest System from its own electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.
- c) **Restriction on Use of e-Manifests.** A generator may use an e-Manifest for the tracking of waste shipments involving any hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except that a generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.
- d) **Requirement for One Printed Copy.** To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a generator originating an e-Manifest must also provide the initial transporter with one printed copy of the e-Manifest.
- e) **Special Procedures When e-Manifest Is Unavailable.** If a generator has prepared an e-Manifest for a hazardous waste shipment, but the e-Manifest System becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, the generator must obtain and complete a paper manifest and if

necessary, a continuation sheet (USEPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements of Section 722.123.

- f) Special Procedures for Electronic Signature Methods Undergoing Tests. If a generator has prepared an e-Manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the generator must also sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under subsection (d).
- g) This subsection (g) corresponds with 40 CFR 262.24(g), which USEPA has removed and marked “reserved”. This statement maintains consistency with the corresponding federal rules.
- h) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. A generator may participate electronically in the post-receipt data corrections process by following the process described in 35 Ill. Adm. Code 724.171(l), which applies to corrections made to either paper or electronic manifest records.

(Source: Amended at 43 Ill. Reg. 563, effective December 6, 2018)

Section 722.125 Electronic Manifest Signatures

Electronic signature methods for the e-Manifest System must fulfill the following criteria:

- a) The signature must be a legally valid and enforceable signature under applicable USEPA and other federal requirements pertaining to electronic signatures; and
- b) The signature must be a method that is designed and implemented in a manner that USEPA considers to be as cost-effective and practical as possible for the users of the e-Manifest System.

(Source: Added at 39 Ill. Reg. 1700, effective January 12, 2015)

Section 722.127 Waste Minimization Certification

A generator that initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

- a) “I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment,

storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment”; or

- b) “I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.”

BOARD NOTE: 35 Ill. Adm. Code 720.110 defines a “small quantity generator” as a generator that generates less than 1,000 kilograms of hazardous waste in any calendar month. There is no corresponding definition of “large quantity generator” in the federal regulations, but the Board interprets the term to mean a hazardous waste generator that is not a small quantity generator.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

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

Section 722.130 Packaging

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable U.S. Department of Transportation (USDOT) regulations on packaging under 49 CFR 173 (Shippers—General Requirements for Shipments and Packages), 178 (Specifications for Packagings), and 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3138, effective February 23, 2006)

Section 722.131 Labeling

Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable USDOT regulations on hazardous materials under 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).

(Source: Amended at 30 Ill. Reg. 3138, effective February 23, 2006)

Section 722.132 Marking

- a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable USDOT regulations on hazardous materials under 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);
- b) **Marking Small Containers.** Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must mark each container of

119 gallons (450 ℓ) or less that is used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b):

- 1) HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.
 - 2) Generator's Name and Address _____.
 - 3) Generator's USEPA Identification Number _____.
 - 4) Manifest Tracking Number _____.
 - 5) USEPA hazardous waste numbers _____.
- c) A generator may use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers, as required by subsection (b)(5) or (d).
- d) The generator need not mark lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) with USEPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable.

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

Section 722.133 Placarding

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to USDOT regulations for hazardous materials under subpart F of 49 CFR 172 (Placarding), incorporated by reference in 35 Ill. Adm. Code 720.111(b). If placards are not required, a generator must mark each motor vehicle according to 49 CFR 171.3(b)(1) (Hazardous Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

Section 722.134 Accumulation Time (Repealed)

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

Section 722.135 Liquids in Landfills Prohibition

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

Prior to disposal in a hazardous waste landfill, liquids must meet the additional requirements as specified in 35 Ill. Adm. Code 724.414 and 725.414.

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

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

Section 722.140 Recordkeeping

- a) A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until it receives a signed copy from the designated facility that received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
- b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).
- c) Section 722.111(f) requires documenting hazardous waste determinations.
- d) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (d) is subject to Board review pursuant to Section 40 of the Act.

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

Section 722.141 Annual Reporting for Large Quantity Generators

- a) A generator that is an LQG for at least one month of any calendar year (reporting year) shipping any hazardous waste off site to a treatment, storage or disposal facility within the United States must complete and submit an annual report to the Agency by March 1 of the following year. The annual report must be submitted on a form supplied by the Agency, and it must cover generator activities during the previous calendar year.
- b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposing of hazardous waste on site must complete and submit to the Agency by March 1 of the following year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG under Section 722.117(f).

- c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.142 Exception Reporting

- a) Generators of greater than 1,000 kg (2,200 lbs) of hazardous waste in a calendar month.
 - 1) A generator of 1,000 kg (2,200 lbs) or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days after the date the waste was accepted by the initial transporter must contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.
 - 2) A generator of 1,000 kg (2,200 lbs) or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, must submit an Exception Report to the Agency if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days after the date the waste was accepted by the initial transporter. The Exception Report must include the following documents:
 - A) A legible copy of the manifest for which the generator does not have a confirmation of delivery; and
 - B) A cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the result of those efforts.
- b) A generator of greater than 100 kg (220 lbs) but less than 1,000 kg (2,200 lbs) of hazardous waste in a calendar month that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days after the date the waste was accepted by the initial transporter must submit a legible copy of the manifest to the Agency, with some indication that the generator has not received confirmation of delivery.

BOARD NOTE: The submission need be only a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned copy was not received.

- c) A generator must comply with the requirements of subsection (a) or (b), as applicable, when a designated facility has forwarded a rejected shipment of hazardous waste or container residues contained in non-empty containers to an alternate facility using a new manifest (following the procedures of 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or 725.172(e)(1) through (e)(6)). For purposes of generator compliance with subsection (a) or (b), when a designated facility forwards a shipment of rejected waste to an alternate facility, the following requirements apply:
- 1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and
 - 2) The 35-, 45-, or 60-day timeframes begin on the date that the initial transporter accepts the waste from the designated facility for shipment to the alternate facility.

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

Section 722.143 Additional Reporting

The Agency, as it deems necessary under Section 4 of the Illinois Environmental Protection Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 35 Ill. Adm. Code 721.

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

Section 722.144 Recordkeeping for Small Quantity Generators

Of the requirements in this Subpart D, an SQG is subject to only the following independent requirements:

- a) Section 722.140(a), (c), and (d), recordkeeping;
- b) Section 722.142(b), exception reporting; and
- c) Section 722.143, additional reporting.

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

Section 722.150 Applicability (Repealed)

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

Section 722.151 Definitions (Repealed)

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

Section 722.152 General Requirements (Repealed)

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

Section 722.153 Notification of Intent to Export (Repealed)

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

Section 722.154 Special Manifest Requirements (Repealed)

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

Section 722.155 Exception Report (Repealed)

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

Section 722.156 Annual Reports (Repealed)

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

Section 722.157 Recordkeeping (Repealed)

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

Section 722.158 International Agreements (Repealed)

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

Section 722.160 Imports of Hazardous Waste (Repealed)

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

SUBPART G: FARMERS

Section 722.170 Farmers

A farmer disposing of waste pesticides from the farmer's own use that are hazardous wastes is not required to comply with the standards in this Part or other standards in 35 Ill. Adm. Code 702, 703, 724, 725, or 728 for those wastes, provided the farmer triple rinses each emptied pesticide container in accordance with 35 Ill. Adm. Code 721.107(b)(3) and disposes of the pesticide residues on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label.

(Source: Amended at 29 Ill. Reg. 6312, effective April 22, 2005)

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

Section 722.180 Applicability

- a) The requirements of this Subpart H apply to transboundary movements of hazardous waste.
- b) Any person (including importer, exporter, disposal facility operator, or recovery facility operator) that mixes two or more wastes (including hazardous and non-hazardous wastes) or which otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under this Subchapter c and any exporter duties under this Subpart H, as applicable.

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

Section 722.181 Definitions

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

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

BOARD NOTE: The Board added this definition.

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

BOARD NOTE: The Board added this definition.

“Competent authority” means the regulatory authority or authorities of countries concerned having jurisdiction over transboundary movements of wastes.

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

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

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

“Country of export” means any country from which a transboundary movement of hazardous waste is planned to be initiated or is initiated.

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

“Country of transit” means any country other than the country of export or country of import across which a transboundary movement of waste is planned to be initiated or takes place.

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

- D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.
- D2 Land treatment, such as biodegradation of liquids or sludges in soils.
- D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.
- D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.
- D5 Specially engineered landfill, such as placement into lined discrete cells that are capped and isolated from one another and the environment.
- D6 Release into a water body other than a sea or ocean, and other than by operation D4.

- D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.
- D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures that are discarded by means of any of operations D1 through D12.
- D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures that are discarded by means of any of operations D1 through D12.
- D10 Incineration on land.
- D11 Incineration at sea.
- D12 Permanent storage.
- D13 Blending or mixing, prior to any of operations D1 through D12.
- D14 Repackaging, prior to any of operations D1 through D13.
- D15 Interim storage, prior to any of operations D1 through D12 (for transboundary movements other than with Canada).
- DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).
- DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).
- DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).

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

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

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

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

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

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

BOARD NOTE: The Board added this definition.

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

BOARD NOTE: The Board added this definition.

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

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

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

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

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

BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation “C(2001)107/FINAL”, USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

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

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

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

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

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

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

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

- R6 Regeneration of acids or bases,
- R7 Recovery of components used for pollution abatement,
- R8 Recovery of components from used catalysts,
- R9 Used oil re-refining or other reuses of previously used oil,
- R10 Land treatment resulting in benefit to agriculture or ecological improvement,
- R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 (for transboundary shipments other than with Canada),
- R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 (for transboundary shipments other than with Canada), and
- R13 Accumulation of material intended for any operation numbered R1 through R12 (for transboundary shipments other than with Canada).
- RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).
- RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).
- RC16 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

“Transboundary movement” means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

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

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.182 General Conditions

- a) Scope. The level of control for exports and imports of waste is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.
 - 1) Green Wastes
 - A) Green waste that is not hazardous waste is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.
 - B) Green waste that is hazardous waste is subject to the requirements of this Subpart H.
 - 2) Amber Wastes
 - A) Amber waste that is hazardous waste is subject to the Amber control procedures set forth in this Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.
 - i) For exports, exporter must comply with Section 722.183.
 - ii) For imports, the recovery or disposal facility and the importer must comply with Section 722.184.
 - B) Amber waste that is not hazardous waste, but which is considered hazardous by the other country, is subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.
 - 3) Mixtures
- BOARD NOTE: Some Amber wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of this Subpart H.

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

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

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

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

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

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

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

b) General Conditions Applicable to Transboundary Movements of Hazardous Waste

- 1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;
- 2) The transboundary movement must comply with applicable international transport agreements; and

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

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

c) Duty to return wastes subject to the Amber control procedures during transit through the United States. When a transboundary movement of hazardous waste subject to the Amber control procedures does not comply with the requirements of

the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries.

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

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

1) For Postal Mail Delivery:

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

2) For Hand-Delivery:

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

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.183 Exports of Hazardous Waste

a) **General Export Requirements.** Except as provided in subsections (a)(5) and (a)(6), an exporter that receives an AOC from USEPA before December 31, 2016

is subject to that approval and the requirements listed in the AOC as they existed at the time of that approval until the approval period expires. All other exports of hazardous waste are prohibited unless the following conditions are fulfilled:

- 1) The exporter complies with the contract requirements in subsection (f);
- 2) The exporter complies with the notification requirements in subsection (b);
- 3) The exporter receives an AOC from USEPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);
- 4) The exporter ensures compliance with the movement documents requirements in subsection (d);
- 5) The exporter ensures compliance with the manifest instructions for export shipments in subsection (c); and
- 6) The exporter or a U.S. authorized agent must submit electronic export information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and includes the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:
 - A) The USEPA license code;
 - B) The commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12), incorporated by reference in 35 Ill. Adm. Code 720.111;
 - C) The USEPA consent number for each hazardous waste;
 - D) The country of ultimate destination code per 15 CFR 30.6(a)(5), incorporated by reference in 35 Ill. Adm. Code 720.111;
 - E) The date of export per 15 CFR 30.6(a)(2), incorporated by reference in 35 Ill. Adm. Code 720.111;
 - F) The RCRA hazardous waste manifest tracking number, if required;
 - G) The quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15), incorporated by reference in 35 Ill. Adm. Code 720.111; or

- H) The USEPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

b) Notifications

- 1) General Notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to USEPA of the proposed transboundary movement. Notifications must be submitted electronically using USEPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and the notification must include all of the following information:
 - A) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
 - B) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
 - C) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
 - D) The intended transporters or their agents; address, telephone, fax, and email address;
 - E) "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. ports of exit;
 - F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;
 - G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of entry for the country of import;
 - H) A statement of whether the notification covers a single shipment or multiple shipments;
 - I) The start and end dates requested for transboundary movements;

- J) The planned means of transport;
- K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each waste in either metric tons or cubic meters; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each waste;
- L) Specification of the recovery or disposal operations, as defined in Section 722.181.
- M) A declaration and certification signed by the exporter that states as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

- 2) Exports to Pre-Consented Recovery Facilities in OECD Member Countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. A notification proposing export to a preconsented facility in an OECD member country must include all information listed in subsections

(b)(1)(A) through (b)(1)(M) and additionally state that the facility is preconsented. The exporter must submit the notification to USEPA using the allowable methods listed in subsection (b)(1) at least ten days before the first shipment is expected to leave the United States.

- 3) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the foreign receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12 the final foreign recovery or disposal facility will employ. For transboundary movements to Canada, in addition to the foregoing foreign receiving facilities listed in subsection (b)(1)(B), if the foreign receiving facility will engage in interim recovery operations RC16 or interim disposal operations DC17, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC14 to RC15, D1 through D12, and DC15 to DC16 the final foreign recovery or disposal facility will employ. The recovery and disposal operations in this subsection are defined in Section 722.181.
- 4) Renotifications. When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an USEPA AOC letter documenting the countries' consents to the changes.
- 5) If the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, USEPA will coordinate with the Department of State to provide the complete notification to the country of import and any countries of transit. In all other cases, USEPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).
- 6) If the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward

an USEPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA stated that it will notify the exporter.

- 7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183, including providing notification to USEPA in accordance with subsection (b)(1). In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M), the exporter must provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from USEPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to reexport.
 - 8) Upon request by USEPA, the exporter must furnish to USEPA any additional information which the country of import requests in order to respond to a notification.
- c) RCRA Manifest Instructions for Export Shipments. The exporter must comply with the manifest requirements of Sections 722.120 through 722.123, with the following exceptions:
- 1) (Block 8): In lieu of the name, site address and USEPA ID number of the designated facility, the exporter must enter the name and site address of the foreign receiving facility;
 - 2) (Block 16): In the International Shipments block, the exporter must check the export box and enter the port of exit (city and state) from the United States.
 - 3) The exporter must list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use Continuation Sheets (USEPA Form 8700-22A).
 - 4) The exporter may obtain the manifest from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>

- d) Movement Document Requirements for Export Shipments

- 1) An exporter must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the wastes reach the foreign receiving facility, including cases where the hazardous waste is stored or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as follows:
 - A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water.
 - B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.
- 2) The movement document must include the following:
 - A) The corresponding consent numbers and USEPA hazardous waste numbers for the listed hazardous waste from the relevant USEPA AOCs;
 - B) The shipment number and the total number of shipments from the USEPA AOC;
 - C) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
 - D) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
 - E) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
 - F) A description of each hazardous waste; the quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable OECD waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

- G) The date movement commenced;
 - H) The name (if not exporter), address, telephone, fax numbers, and email of company originating the shipment;
 - I) The company name, USEPA identification number, address, telephone, fax, and email address of each transporter;
 - J) Identification (license, registered name, or registration number) of means of transport, including types of packaging;
 - K) Any special precautions to be taken by transporters;
 - L) A declaration and certification signed and dated by the exporter that the information in the movement document is complete and correct;
 - M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);
 - N) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and
 - O) As part of the contract requirements per subsection (f), the exporter must require that the foreign receiving facility send a copy of the signed movement document to the competent authorities of the countries of import and transit to confirm receipt within three working days of shipment delivery to the exporter. The exporter must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- e) **Duty to Return or Re-Export Hazardous Wastes.** When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or reexported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs USEPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter must submit an exception report to USEPA in accordance with subsection (h).

f) Export Contract Requirements

- 1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements for export of hazardous waste must be executed by the exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign receiving facility. The contract or equivalent arrangements must specify responsibilities for each of the exporter, the foreign importer, and the owner or operator of the foreign receiving facility. A contract or equivalent arrangements is valid for the purposes only if each person assuming obligations under the contracts or equivalent arrangements has appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.
- 2) A contract or equivalent arrangements must specify the name and USEPA identification number of the following:
 - A) The company from where each export shipment of hazardous waste is initiated;
 - B) Each person who will have physical custody of the hazardous wastes;
 - C) Each person who will have legal control of the hazardous wastes; and
 - D) The foreign receiving facility.
- 3) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if its disposition cannot be carried out as described in the notification of intent to export. For this contingency, contracts must specify the following:
 - A) That the transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, USEPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; and
 - B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of hazardous wastes, providing the notification for re-export to the competent authority in the country of import,

including the equivalent of the information required in subsection (b)(1) and the original consent number issued for the initial export of the hazardous wastes in the notification, and obtaining consent from USEPA and the competent authorities in the new country of import and any transit countries, as necessary, prior to re-export.

- 4) A contract must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- 5) A contract must require that the foreign receiving facility send a copy of the signed and dated confirmation of recovery or disposal to the exporter and to the competent authority of the country of import, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- 6) A contract must require that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC17, (recovery and disposal operations defined in 35 Ill. Adm. Code 722.181) do the appropriate of the following:
 - A) Provide the notification required in subsection (f)(3)(B) prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and
 - B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility to the competent authority of the country of import within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16 or one of disposal operations D1 through D12, DC15, or DC16. The contracts must additionally require that the foreign facility send copies to USEPA at the same time using the WIETS described in subsection (b)(1).
- 7) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD member countries and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with any foreign requirements; in some cases, persons or facilities located in those OECD member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- 8) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.
 - 9) Upon request by USEPA or the Agency, U.S. exporters, importers, or recovery facilities must submit to the requestor copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).
- g) Annual Reports. The exporter must file an annual report with USEPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. Prior to December 31, 2018, the exporter must mail or hand-deliver annual reports to USEPA for all shipments made the previous calendar year using one of the appropriate of the addresses specified in Section 722.182(e), or submit to USEPA using the WIETS described in subsection (b)(1) if the exporter has electronically filed USEPA information in AES per subsection (a)(6)(A)(i). Subsequently, the exporter must submit annual reports to USEPA using the WIETS described in subsection (b)(1). The annual report must include all of the following information:
- 1) The USEPA identification number, name, and mailing and site address of the exporter filing the report;
 - 2) The calendar year covered by the report;
 - 3) The name and site address of each foreign receiving facility;
 - 4) By foreign receiving facility, for each hazardous waste exported:
 - A) A description of the hazardous waste;
 - B) The applicable USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721) for each waste;

- C) The applicable waste code from the appropriate OECD waste list in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111;
- D) The applicable USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;
- E) The name and USEPA identification number (where applicable) for each transporter used over the calendar year covered by the report; and
- F) The consent numbers under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:

- A) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and
- B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

6) A certification signed by the exporter that states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

h) Exception Reports

1) The exporter must file an exception report in lieu of the requirements of Section 722.142 (if applicable) with USEPA if any of the following occurs:

- A) The exporter has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying

the point of departure of the hazardous waste from the United States within 45 days from the date hazardous waste was accepted by the initial transporter, in which case the exporter must file the exception report within the next 30 days;

- B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection (d) within 90 days from the date the waste was accepted by the initial transporter in which case the exporter must file the exception report within the next 30 days; or
- C) The foreign receiving facility notifies the exporter, or the country of import notifies USEPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter must file the exception report within 30 days of notification, or one day prior to the date the return shipment commences, whichever is sooner.

- 2) Prior to December 31, 2018, exception reports must be mailed or hand delivered to USEPA using the addresses listed in Section 722.182(e). Subsequently, exception reports must be submitted to USEPA using the WIETS described in subsection (b)(1).

i) Recordkeeping

- 1) The exporter must keep the following records in subsections (i)(1)(A) through (i)(1)(E) and provide them to USEPA or Agency personnel upon request:
 - A) A copy of each notification of intent to export and each USEPA AOC for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
 - B) A copy of each annual report for a period of at least three years from the due date of the report;
 - C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter;
 - D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment; and

- E) A copy of each contract or equivalent arrangement established per Section 722.185 for at least three years from the expiration date of the contract or equivalent arrangement.
- 2) The exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the exporter bears no responsibility.
- 3) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (i)(3) is subject to Board review pursuant to Section 40 of the Act.

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

Section 722.184 Imports of Hazardous Waste

- a) General Import Requirements
 - 1) With the exception of subsection (a)(5), the importer of a shipment covered under a consent from USEPA to the country of export issued before December 31, 2016 is subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart H.
 - 2) Where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to USEPA in accordance with subsection (b).
 - 3) The importer must comply with the contract requirements in subsection (f).
 - 4) The importer must ensure compliance with the movement documents requirements in subsection (d); and

- 5) The importer must ensure compliance with the manifest instructions for import shipments in subsection (c).
- b) Notifications. Where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, but USEPA does regulate the waste as hazardous waste, the following requirements apply:
- 1) The importer is required to provide notification in English to USEPA of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. A notification submitted prior to the electronic import-export reporting compliance date must be mailed or hand delivered to USEPA at the addresses specified in Section 722.182(e). Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using USEPA's WIETS. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information:
 - A) The foreign exporter name, address, telephone, fax numbers, and email address;
 - B) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
 - C) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;
 - D) The intended transporters or their agents; address, telephone, fax, and email address;
 - E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;
 - F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;
 - G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of exit for the country of export;

- H) A statement of whether the notification covers a single shipment or multiple shipments;
- I) The start and end dates requested for transboundary movements;
- J) The planned means of transport;
- K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each hazardous waste; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;
- L) Specification of the recovery or disposal operations, as defined in Section 722.181; and
- M) A declaration and certification signed by the exporter that states as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

BOARD NOTE: The United States does not currently require financial assurance for these waste shipments.

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

- 2) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in Section 722.181.
 - 3) Renotifications. When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until USEPA and the countries of transit consent to the changes and the importer receives an USEPA AOC letter documenting the consents to the changes.
 - 4) A notification is complete when USEPA determines the notification satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).
 - 5) Where USEPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the importer documenting the countries' consents and USEPA's consent. Where any of the countries of transit or USEPA objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA will notify the importer.
 - 6) Export of Hazardous Wastes Originally Imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183(b)(7).
- c) RCRA Manifest Instructions for Import Shipments
- 1) When importing hazardous waste, the importer must meet all the requirements of Section 722.120 for the manifest, with the following exceptions:
 - A) (Block 5): In place of the generator's name, address and USEPA identification number, the name and address of the foreign

generator and the importer's name, address and USEPA identification number must be used.

B) (Block 15): In place of the generator's signature on the certification statement, the importer or its agent must sign and date the certification and obtain the signature of the initial transporter.

2) The importer may obtain the manifest form from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>

3) In the International Shipments block (block 16), the importer must check the import box and enter the point of entry (city and state) into the United States.

4) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3) and 725.171(a)(3).

5) In lieu of the requirements of Section 722.120(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to do the following:

A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

B) Revise the manifest in accordance with the importer's instructions.

d) Movement Document Requirements for Import Shipments

1) The importer must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer prior to shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (d)(1)(B).

A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.

B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

2) The movement document must include the following:

A) The corresponding USEPA AOC numbers and USEPA hazardous waste numbers for the listed waste;

B) The shipment number and the total number of shipments under the USEPA AOC number;

C) The foreign exporter name, address, telephone, fax numbers, and email address;

D) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

E) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;

F) A description of each hazardous waste, quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

G) The date movement commenced;

H) The name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment;

I) The company name, USEPA identification number, address, telephone, fax, and email address of all transporters;

J) Identification (license, registered name or registration number) of the means of transport, including types of packaging;

K) Any special precautions to be taken by transporters;

- L) A declaration and certification signed and dated by the foreign exporter that the information in the movement document is complete and correct;
 - M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);
 - N) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and
 - O) The receiving facility must send a copy of the signed movement document to the competent authorities of the countries of export and transit to confirm receipt within three working days after shipment delivery to the foreign exporter. For shipments received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.
- e) **Duty to Return or Export Hazardous Wastes.** When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents, the provisions of subsection (f)(4) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subsection (b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.
- f) **Import Contract Requirements**
- 1) Imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements must specify responsibilities for each of the foreign exporter, the importer, and the owner or operator of the receiving facility, and each must execute the contract or equivalent arrangements. A contract or equivalent arrangements is valid for the purposes of hazardous waste import only if all persons assuming obligations under the contract or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

- 2) Contracts or equivalent arrangements must specify the name and USEPA identification number, where available, of the following persons:
 - A) The foreign company from which each import shipment of hazardous waste is initiated;
 - B) Each person that will have physical custody of the hazardous wastes;
 - C) Each person that will have legal control of the hazardous wastes; and
 - D) The receiving facility.
- 3) A contract or equivalent arrangements must specify the use of a movement document in accordance with Section 722.184(d).
- 4) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if the wastes' disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, the contract must specify each of the following:
 - A) That the transporter or receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the foreign exporter, the importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and
 - B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of the hazardous wastes, if necessary, providing the notification for re-export as required by Section 722.183(b)(7).
- 5) A contract must specify that the importer or the receiving facility performing interim recycling operations R12, R13, or RC16 or interim disposal operations D13 through D15 or DC15 through DC17, as appropriate, will provide the notification required by Section 722.183(b)(7) prior to the re-export of hazardous waste. The recovery and disposal operations in this subsection are defined in Section 722.181.
- 6) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with any financial requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- 7) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.
 - 8) Upon request by USEPA, an importer or disposal or recovery facility must submit to USEPA copies of the contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).
- g) Confirmation of Recovery or Disposal. The receiving facility must do the following:
- 1) Send copies of the signed and dated confirmation of recovery or disposal to the foreign exporter and to the competent authority of the country of export,, as soon as possible, but no later than thirty days after completing recovery or disposal of the waste in the shipment and no later than one calendar year following receipt of the waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, reporting to USEPA must occur electronically using USEPA's WIETS.
 - 2) If the receiving facility performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17, the receiving facility must promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC14 to RC15, or one of disposal operations D1 through D12, or DC15 to DC16, to the competent authority of the country of export within one year of shipment delivery. For confirmations received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (g)(2) are defined in Section 722.181.
- h) Recordkeeping

- 1) The importer must keep the following records and provide them to USEPA or the Agency upon request:
 - A) A copy of each notification that the importer sends to USEPA under subsection (b)(1) and each USEPA AOC the importer receives in response for a period of at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and
 - B) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the expiration date of the contract or equivalent arrangement.
- 2) The receiving facility must keep the following records:
 - A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three years from the date it received the hazardous waste;
 - B) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years from the date that it completed processing the waste shipment;
 - C) For the receiving facility that performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17 (recovery and disposal operations defined in Section 722.181), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to the receiving facility for at least three years from the date that the final recovery or disposal facility completed processing the waste shipment; and
 - D) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the expiration date of the contract or equivalent arrangement.
- 3) An importer or receiving facility may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this Section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the importer or receiving facility bears no responsibility.

- 4) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (h)(4) is subject to Board review pursuant to Section 40 of the Act.

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

Section 722.185 Contracts (Repealed)

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

Section 722.186 Provisions Relating to Recognized Traders (Repealed)

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

Section 722.187 Reporting and Recordkeeping (Repealed)

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

Section 722.189 OECD Waste Lists (Repealed)

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

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

Section 722.300 Definitions

The following definitions apply for the purposes of this Subpart K:

“College or University” means a private or public post-secondary degree-granting academic institution that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

BOARD NOTE: The Department of Education maintains on-line lists of accrediting agencies on the Internet at the following address: www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized.

“Eligible academic entity” means a college or university, a non-profit research institute that is owned by or which has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or which has a formal written affiliation agreement with a college or university.

“Formal written affiliation agreement” for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research or education and which is signed by an authorized representative, as that term is defined in 35 Ill. Adm. Code 720.110, from each institution. A relationship that exists on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. “Formal written affiliation agreement” for a teaching hospital means a “master affiliation agreement” and “program letter of agreement”, as these terms are defined in the document entitled “Accreditation Council for Graduate Medical Education: Glossary of Terms”, incorporated by reference in 35 Ill. Adm. Code 720.111, with an accredited medical program or medical school.

“Laboratory” means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are laboratories within the meaning of this definition. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories within the meaning of this definition.

“Laboratory clean-out” means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or which have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor or occupant. A regularly scheduled removal of unwanted material, as required by Section 722.308, does not qualify as a laboratory clean-out within the meaning of this definition.

“Laboratory worker” means a person who handles chemicals or unwanted material in a laboratory. This may include, but is not limited to, any member of faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a supervisor or manager, or a principal investigator. A person does not need to be paid or otherwise compensated for his or her work in the laboratory to be

considered a laboratory worker. An undergraduate or graduate student in a supervised classroom setting is not a laboratory worker.

“Non-profit research institute” means an organization that conducts research as its primary function and which files as a nonprofit organization under section 501(c)(3) of the federal tax code (26 USC 501(c)(3)).

“Reactive acutely hazardous unwanted material” means an unwanted material that is one of the acutely hazardous commercial chemical products listed in 35 Ill. Adm. Code 721.133(e) for reactivity.

“Teaching hospital” means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

“Trained professional” means a person who has completed the applicable RCRA training requirements of 35 Ill. Adm. Code 722.117, for an LQG, or who is knowledgeable about normal operations and emergencies in accordance with Section 722.116, for an SQG or VSQG. A trained professional may be an employee of the eligible academic entity or a contractor or vendor who meets the requisite training requirements.

“Unwanted material” means any chemical, mixtures of chemicals, products of experiments, or other material from a laboratory that is no longer needed, wanted, or usable in the laboratory and which is destined for hazardous waste determination by a trained professional. Unwanted material includes reactive acutely hazardous unwanted material, material that may eventually be determined not to be solid waste pursuant to 35 Ill. Adm. Code 721.102, or a hazardous waste pursuant to 35 Ill. Adm. Code 721.103. If an eligible academic entity elects to use another equally effective term in lieu of “unwanted material”, as allowed by Section 722.306(a)(1)(A), the equally effective term will have the same meaning, and the material designated by that term will be subject to the same requirements as “unwanted material” under this Subpart K.

“Working container” means a small container (i.e., two gallons (7.6 l) or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

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

Section 722.301 Applicability

- a) LQGs and SQGs. This Subpart K provides alternative requirements to the requirements set forth in Sections 722.111 and 722.115 for determination of hazardous waste and accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

- b) VSQGs. This Subpart K provides alternative requirements to the conditional exemption set forth in 35 Ill. Adm. Code 722.114 for the accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

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

Section 722.302 Opting into the Subpart K Requirements

- a) LQGs and SQGs. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the requirements set forth in Sections 722.111 and 722.115.
- b) VSQGs. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the conditional exemption of 35 Ill. Adm. Code 722.114.

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

Section 722.303 Notice of Election into the Subpart K Requirements

- a) If an eligible academic entity elects to become subject to the requirements of this Subpart K, it must notify the Agency of this election in writing using the Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number. If the eligible academic entity is a VSQG that does not have a USEPA identification number, the VSQG must notify the Agency and USEPA Region 5 that it has made this choice for all the laboratories that the eligible academic entity owns or operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to become subject to the requirements of this Subpart K. The eligible academic entity must submit USEPA Form 8700-12 to the Agency before it begins operating under this Subpart K.

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the “RCRA Subtitle C Site Identification Form (EPA Form 8700-12)”. The title on USEPA Form 8700-12, however, is “Notification of RCRA Subtitle C Activity”. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

- “1. Reason for Submittal”
 - “2. Site EPA identification number” (except for a VSQG)
 - “3. Site Name”
 - “4. Site Location Information”
 - “5. Site Land Type”
 - “6. North American Industry Classification System (NAICS) Code(s) for the Site”
- BOARD NOTE: See the definition of “NAICS Code” in 35 Ill. Adm. Code 720.110.
- “7. Site Mailing Address”
 - “8. Site Contact Person”
 - “9. Operator and Legal Owner of the Site”
 - “10. Type of Regulated Waste Activity”
 - “13. Certification”

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.
- d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.
- e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

- a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs. An eligible academic entity must notify the Agency in writing of this election using

Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). If the eligible academic entity is a VSQG that does not have a USEPA identification number, it must notify the Agency and USEPA Region 5 that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that are on site. The eligible academic entity that is a VSQG that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code 722.114. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency before it begins operating under the standards in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs, or Section 722.114, which are the generally applicable standards for VSQGs.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the “RCRA Subtitle C Site Identification Form (EPA Form 8700-12)”. The title on USEPA Form 8700-12, however, is “Notification of RCRA Subtitle C Activity”. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

- b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

“1. Reason for Submittal”

“2. Site EPA identification number” (except for a VSQG)

“3. Site Name”

“4. Site Location Information”

“5. Site Land Type”

“6. North American Industry Classification System (NAICS) Code(s) for the Site”

BOARD NOTE: See the definition of “NAICS Code” in 35 Ill. Adm. Code 720.110.

“7. Site Mailing Address”

“8. Site Contact Person”

“9. Operator and Legal Owner of the Site”

“10. Type of Regulated Waste Activity”

“13. Certification”

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for three years after the date of the notification of withdrawal.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

Section 722.305 Summary of the Requirements of this Subpart K

An eligible academic entity that chooses to become subject to the requirements of this Subpart K is not required to have interim status or a RCRA Part B permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this Subpart K, and the eligible academic entity has a Laboratory Management Plan (LMP) that complies with Section 722.314 which describes how the laboratories owned by the eligible academic entity will comply with the requirements of this Subpart K.

(Source: Added at 34 Ill. Reg. 18817, effective November 12, 2010)

Section 722.306 Container Standards in the Laboratory

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this Section.

- a) Labeling. The eligible academic entity must label containers of unwanted material as follows:
- 1) The following information must be affixed or attached to the container:
 - A) The words “unwanted material”, or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and
 - B) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to, the following:
 - i) The name of the chemicals; or
 - ii) The type or class of chemicals, such as organic solvents or halogenated organic solvents.
 - 2) The following information may be affixed or attached to the container, but must be associated with the container if not attached to it:

- A) The date on which the unwanted material first began accumulating in the container; and
 - B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a hazardous waste and to assign the proper USEPA hazardous waste numbers to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:
 - i) The name or description of the chemical contents or the composition of the unwanted material or, if known, the product of the chemical reaction;
 - ii) Whether the unwanted material has been used or is unused; and
 - iii) A description of the manner in which the chemical was produced or processed, if applicable.
- b) Management of Containers in the Laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and which prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:
- 1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;
 - 2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and
 - 3) Containers must be kept closed at all times, except under the following circumstances:
 - A) A container may be open when adding, removing, or bulking unwanted material;
 - B) A working container may be open until the end of the procedure, until the end of the work shift, or until it is full, whichever comes first, at which time either the working container must be closed or its contents emptied into a separate container that is then closed; or

- C) A container may be open when venting of a container is necessary for either of the following reasons:
 - i) It is necessary for the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs; or
 - ii) It is necessary to prevent dangerous situations, such as a build-up of extreme pressure.

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

Section 722.307 Personnel Training

An eligible academic entity must provide training to all individuals working in its laboratory, as follows:

- a) It must provide training for laboratory workers and students that is commensurate with their duties, so that the workers and students understand the requirements of this Subpart K and can implement them.
- b) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including, but not limited to, any of the following:
 - 1) Instruction by the professor or laboratory manager before or during an experiment;
 - 2) Formal classroom training;
 - 3) Electronic or written training;
 - 4) On-the-job training; or
 - 5) Written or oral exams.
- c) An eligible academic entity that is an LQG (see Section 722.127) must maintain for the durations specified in 35 Ill. Adm. Code 725.116(e) documentation which is sufficient to demonstrate that training for all laboratory workers has occurred. Examples of documentation which demonstrates that training has occurred can include, but are not limited to, the following:
 - 1) Sign-in or attendance sheets for training sessions;
 - 2) Syllabi for training sessions;
 - 3) Certificates of training completion; or
 - 4) Test results.

- d) A trained professional is required for either of the following tasks:
 - 1) A trained professional must accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and
 - 2) A trained professional must make the hazardous waste determination for unwanted material, pursuant to Section 722.111(a) through (d).

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

Section 722.308 Removing Unwanted Material from the Laboratory

- a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must do either of the following:
 - 1) It must remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 12 months; or
 - 2) It must remove containers of unwanted material from each laboratory within 12 months after each container's accumulation start date.
- b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subsection (a)(1) or (a)(2) for the regular removal of unwanted material from its laboratories.
- c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subsection (a)(1) or (a)(2) and how the eligible academic entity will develop a schedule for regular removals of unwanted material from its laboratories.
- d) Removing containers of unwanted material when volumes are exceeded.
 - 1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons (208 ℓ) before the regularly scheduled removal, the eligible academic entity must ensure that the following requirements are fulfilled for all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):
 - A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 ℓ) was exceeded; and
 - B) The containers are removed from the laboratory within 10 calendar days after the date on which 55 gallons (208 ℓ) was exceeded, or

on the date of the next regularly scheduled removal, whichever comes first.

- 2) If a laboratory accumulates more than one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or more than 1 kg (2.2 lbs) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that the following requirements are fulfilled for all containers of reactive acutely hazardous unwanted material:
 - A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which one quart (0.946 ℓ) or 1 kg was exceeded; and
 - B) The containers are removed from the laboratory within 10 calendar days after the date on which one quart (0.946 ℓ) or 1 kg was exceeded, or at the next regularly scheduled removal, whichever comes first.

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

Section 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory

- a) LQGs and SQGs. An eligible academic entity that is an LQG or an SQG must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:
 - 1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;
 - 2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or
 - 3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.
- b) VSQGs. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111(a) through (d), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with Section 722.310.

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

Section 722.310 Hazardous Waste Determination in the Laboratory

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory, it must fulfill the following requirements:

- a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111(a) through (d), before the unwanted material is removed from the laboratory.
- b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:
 - 1) It must write the words “hazardous waste” on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;
 - 2) It must write the appropriate USEPA hazardous waste numbers on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity’s generator category, pursuant to Section 722.113, in the calendar month that the hazardous waste determination was made.
- c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.
- d) When hazardous waste is removed from the laboratory, the following requirements apply:
 - 1) An eligible academic entity that is an LQG or an SQG must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.
 - 2) An eligible academic entity that is a VSQG must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in Section 722.114.
- e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

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

Section 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site central accumulation area, it must fulfill the following requirements:

- a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.
- b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.
- c) The unwanted material becomes subject to the generator accumulation regulations of Section 722.116, for an SQG, or Section 722.117, for an LQG, as soon as the material arrives in the central accumulation area, except for the “hazardous waste” labeling requirements of Sections 722.116(b)(6) and 722.117(a)(5).
- d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at the on-site central accumulation area.
- e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:
 - 1) It must write the words “hazardous waste” on the container label that is affixed or attached to the container, within four calendar days after the unwanted material has arrived at the on-site central accumulation area and before the hazardous waste may be removed from that area;
 - 2) It must write the appropriate USEPA hazardous waste numbers on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported offsite;
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity’s generator category, pursuant to 35 Ill. Adm. Code 722.113, in the calendar month that the hazardous waste determination was made; and
 - 4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

Section 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it must fulfill the following requirements:

- a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage, or disposal facility;
- b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site interim status or permitted treatment, storage, or disposal facility;
- c) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives at the on-site treatment, storage, or disposal facility;
- d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and
- e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:
 - 1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container within four calendar days after the unwanted material has arrived at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from that facility;
 - 2) It must write the appropriate USEPA hazardous waste numbers on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site;
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category, pursuant to 35 Ill. Adm. Code 722.113 in the calendar month that the hazardous waste determination was made; and
 - 4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

Section 722.313 Laboratory Clean-Outs

- a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:
 - 1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;
 - 2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator category, pursuant to 35 Ill. Adm. Code 722.113, a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and which is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator category, pursuant to 35 Ill. Adm. Code 722.113, if it is determined to be hazardous waste;
 - 3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator category under subsection (a)(2), and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of non-acute hazardous waste (i.e., the VSQG limits, as defined in 35 Ill. Adm. Code 720.110), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off site; and
 - 4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain these records for a period of three years from the date on which the clean-out ended.

- b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this Subpart K, including, but not limited to the following:
 - 1) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material), as required by Section 722.308; and
 - 2) The requirement to count all hazardous waste, including unused hazardous waste, that is generated during the laboratory clean-out toward its hazardous waste generator category, pursuant to 35 Ill. Adm. Code 722.113.

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

Section 722.314 Laboratory Management Plan

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this Subpart K. An eligible academic entity may write one Laboratory Management Plan for all of the laboratories that it owns which have opted into this Subpart K, even if the laboratories are located at sites with different USEPA identification numbers. The Laboratory Management Plan must contain two parts, with a total of the nine elements identified in subsections (a) and (b). In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in subsection (a). An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of its Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in subsection (b). The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this Subpart K. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it so chooses.

- a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must include the following information:
 - 1) Part I must describe procedures for container labeling in accordance with Section 722.306(a), as follows:
 - A) Identification whether the eligible academic entity will use the term “unwanted material” on the containers in the laboratory. If not, identification of an equally effective term that the eligible

academic entity will consistently use in lieu of “unwanted material”. The equally effective term, if used, has the same meaning as the term “unwanted material”, and the material is subject to the same requirements as if it were called “unwanted material”; and

- B) Identification of the manner in which information that is “associated with the container” will be imparted.
- 2) Identification whether the eligible academic entity will comply with Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.
- b) In Part II of its Laboratory Management Plan, an eligible academic entity must include the following information:
- 1) Description of its intended best practices for container labeling and management (see the required standards at Section 722.306);
 - 2) Description of its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at Section 722.307(a));
 - 3) Description of its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at Section 722.307(d)(1));
 - 4) Description of its intended best practices for removing unwanted material from the laboratory, including the following:
 - A) For regularly scheduled removals, a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at Section 722.308(a)(1) and (a)(2));
 - B) For removals when maximum volumes are exceeded, the following:
 - i) Description of the eligible academic entity’s intended best practices for removing unwanted materials from the laboratory within 10 calendar days after the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and
 - ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes;

- 5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at Sections 722.111(a) through (d) and 722.309 through 722.312);
- 6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:
 - A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (a)(3)); and
 - B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4));
- 7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:
 - A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;
 - B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;
 - C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and
 - D) Procedures for the timely characterization of unknown chemicals.
- c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who may request it.
- d) An eligible academic entity must review and revise its Laboratory Management Plan as needed.

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

Section 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste

- a) If an unwanted material does not meet the definition of solid waste in 35 Ill. Adm. Code 721.102, it is no longer subject to the requirements of this Subpart K or to the RCRA hazardous waste regulations of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728.

- b) If an unwanted material does not meet the definition of hazardous waste in 35 Ill. Adm. Code 721.103, it is no longer subject to this Subpart K or to the RCRA hazardous waste regulations, but must be managed in compliance with any other applicable regulations or conditions.

(Source: Added at 34 Ill. Reg. 18817, effective November 12, 2010)

Section 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this Subpart K, and either of the following is true of the waste:

- a) That hazardous waste remains subject to the generator requirements of Sections 722.111 and 722.115, for an LQG or an SQG (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 35 Ill. Adm. Code 722; or
- b) That hazardous waste remains subject to the conditional exemption of 35 Ill. Adm. Code 722.114, for a VSQG.

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

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section 722.330 Applicability

This subpart is applicable to VSQGs and SQGs, as defined in 35 Ill. Adm. Code 720.110.

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

Section 722.331 Definitions for This Subpart L

“Episodic event” means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator’s usual category.

“Planned episodic event” means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

“Unplanned episodic event” means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or “acts of nature”, such as tornado, hurricane, or flood.

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

Section 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event

- a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:
- 1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
 - 2) Notification. The VSQG must notify the Agency no later than 30 calendar days prior to initiating a planned episodic event using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);

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

- 3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12;
- 4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:
 - A) Containers. A VSQG accumulating in containers must mark or label its containers with the following:
 - i) The words “Episodic Hazardous Waste”;
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or

toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. A VSQG accumulating episodic hazardous waste in tanks must do the following:

i) Mark or label the tank with the words “Episodic Hazardous Waste”;

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

iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and

iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.

C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;

i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and

- ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

- 5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

- 6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

- 7) A VSQG must maintain the following records for three years from the end date of the episodic event:
 - A) The beginning and end dates of the episodic event;
 - B) A description of the episodic event;
 - C) A description of the types and quantities of hazardous wastes generated during the event;
 - D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;
 - E) The names of hazardous waste transporters; and
 - F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

- b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:

- 1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
- 2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;

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

- 3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and
- 4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads or in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:
 - A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:
 - i) The words “Episodic Hazardous Waste”;
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with the USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with

NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

- iii) The date when the episodic event began, clearly visible for inspection on each container.
- B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 722.116(b)(3) and must do the following:
- i) Mark or label its tank with the words “Episodic Hazardous Waste”;
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and
 - iv) Keep inventory logs or records with the above information on site and available for inspection.
- 5) The SQG must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by 35 Ill. Adm. Code 720.110) within 60 calendar days from the start of the episodic event.
- 6) The SQG must maintain the following records for three years from the end date of the episodic event:
- A) The beginning and end dates of the episodic event;
 - B) A description of the episodic event;
 - C) A description of the types and quantities of hazardous wastes generated during the event;

- D) A description of how the hazardous waste was managed as well as the name of the designated facility (as defined by 35 Ill. Adm. Code 720.110) that received the hazardous waste;
- E) The names of hazardous waste transporters; and
- F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

Section 722.333 Request to Manage One Additional Episodic Event Per Calendar Year

- a) After obtaining a provisional variance from the Agency, a generator may conduct a second episodic event not to exceed 60 days in a calendar year without impacting its generator category under the following conditions:
 - 1) If a VSQG or SQG has already held a planned episodic event in a calendar year, the generator may conduct an additional unplanned episodic event in that calendar year. The generator must submit a written request for a provisional variance to the Agency within 72 hours after the unplanned event.
 - 2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year. The generator must obtain a provisional variance from the Agency before beginning the additional planned episodic event.
- b) The generator must submit the written request using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), identifying it as a request for an additional episodic request. The written request must include the following information:
 - 1) The reasons why an additional episodic event is needed and the nature of the episodic event;
 - 2) The estimated amount of hazardous waste to be managed from the event;
 - 3) How the generator will manage the hazardous waste;
 - 4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event—not to exceed 60 days; and
 - 5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

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

- c) The generator must submit the written request to the Agency either on paper or electronically.
- d) The generator must retain written approval in its records for three years from the date the episodic event ended.
- e) If the Agency determines the following is true of the additional episodic event, the Agency must approve the request in writing:
 - 1) The prior episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 2) The additional episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
 - 3) The additional episodic event fulfills the criteria of subsection (a)(1) or subsection (a)(2);
 - 4) The generator is legitimately having episodic events, and the generator is using this Section for true episodic events and not as a way to regularly avoid managing hazardous waste at a higher generator category;
 - 5) The generator will comply with the applicable requirements of Section 722.332(a)(4) through (a)(7) or (b)(4) through (b)(6); and
 - 6) The generator will manage the hazardous waste in a way that no violation of the Act or Board regulations will occur.

BOARD NOTE: Any Agency determination made under this Section is not a “RCRA permit”, as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705. A failure to obtain Agency approval as provided in this Section subjects the generator to higher generator category standards, and non-compliance may subject the generator to enforcement action.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

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

Section 722.350 Applicability

The regulations of this Subpart M apply to those areas of an LQG where hazardous waste is generated or accumulated on site.

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

Section 722.351 Maintenance and Operation of Facility

An LQG must maintain and operate its facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

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

Section 722.352 Required Equipment

The LQG must equip all areas to which Section 722.350 deems this Subpart M applicable with the items in subsections (a) through (d) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this Section or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this Section). An LQG may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies. The LQG must have the appropriate of the following equipment:

- a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

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

Section 722.353 Testing and Maintenance of Equipment

The LQG must test and maintain all required communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment as necessary to assure their proper operation in time of emergency.

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

Section 722.354 Access to Communications or Alarm System

- a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 722.352.
- b) In the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 722.352.

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

Section 722.355 Required Aisle Space

The LQG must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

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

Section 722.356 Arrangements with Local Authorities

- a) The LQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. The LQG may make arrangements with the Local Emergency Planning Committee, if it is the appropriate organization with which to make arrangements.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

- 1) An LQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.
- 2) As part of this coordination, the LQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as

well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

- 3) Where more than one police or fire department might respond to an emergency, the LQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.
- b) The LQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that the LQG attempted to make these arrangements.
- c) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the State or facility's locality as far as needing to make arrangements with the local fire department, as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

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

Section 722.360 Purpose and Implementation of Contingency Plan

- a) An LQG must have a contingency plan for the facility. The LQG must design the contingency plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- b) The LQG must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

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

Section 722.361 Content of Contingency Plan

- a) The contingency plan must describe the actions required of facility personnel to comply with Sections 722.360 and 722.365 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112 or some other emergency or contingency plan, the generator needs only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply

with the standards of this Part. The generator may develop one contingency plan that meets all regulatory standards.

BOARD NOTE: USEPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). The National Response Team published the Guidance at 61 Fed. Reg. 28642 (June 5, 1996).

- c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee, if applicable, pursuant to Section 722.356.
- d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see Section 722.364), and the generator must keep this list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. If the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor), as well as an emergency telephone number that will be answered at all times.
- e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. The generator must keep this list up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
- f) The plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

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

Section 722.362 Copies of Contingency Plan

A copy of the contingency plan and all revisions to the plan must be maintained at the LQG facility, and the LQG must to the following:

- a) The LQG must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services). The generator may also submit this document to the Local Emergency Planning Committee, as appropriate.

- b) An LQG that first becomes subject to these provisions or an LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:
- 1) The types or names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid, etc.);
 - 2) The estimated maximum amount of each hazardous waste that may be present at any one time;
 - 3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;
 - 4) A map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes;
 - 5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;
 - 6) The locations of water supply (e.g., fire hydrants and their flow rate);
 - 7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms, etc.); and
 - 8) The name of the emergency coordinators and 24/7 emergency telephone numbers or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.
- c) A generator must update its quick reference guides, if necessary, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee.

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

Section 722.363 Amendment of Contingency Plan

The generator must review its contingency plan and immediately amend the plan, if necessary, whenever any of the following occurs:

- a) Applicable regulations are revised;
- b) The plan fails in an emergency;

- c) The generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or which changes the response necessary in an emergency;
- d) The list of emergency coordinators changes; or
- e) The list of emergency equipment changes.

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

Section 722.364 Emergency Coordinator

At all times, at least one employee must be either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in Section 722.365. Although responsibilities may vary depending on factors such as type and variety of hazardous wastes handled by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

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

Section 722.365 Emergency Procedures

- a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately undertake the following actions:
 - 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - 2) Notify appropriate state or local agencies with designated response roles if their help is needed.
- b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.
- c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are

generated, the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions, etc.).

- d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator must report the findings as follows:
 - 1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and
 - 2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
 - A) The name and telephone number of the reporter;
 - B) The name and address of the generator;
 - C) The time and type of incident (e.g., release, fire, etc.);
 - D) The name and quantity of materials involved, to the extent known;
 - E) The extent of injuries, if any; and
 - F) The possible hazards to human health or the environment outside the facility.
- e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.
- f) If the generator stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with

all the applicable requirements and conditions for exemption in 35 Ill. Adm. Code 722, 723, and 725.

- h) The emergency coordinator must ensure that the following is true in the affected areas of the facility:
 - 1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
 - 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

- i) The generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the generator must submit a written report on the incident to the Agency. The report must include the following information:
 - 1) The name, address, and telephone number of the generator;
 - 2) The date, time, and type of incident (e.g., fire, explosion, etc.);
 - 3) The name and quantity of materials involved;
 - 4) The extent of injuries, if any;
 - 5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - 6) The estimated quantity and disposition of recovered material that resulted from the incident.

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

Section 722.APPENDIX A Hazardous Waste Manifest (Repealed)

(Source: Repealed at 43 Ill. Reg. 563, effective December 6, 2018)