

ILLINOIS POLLUTION CONTROL BOARD  
July 13, 2000

IN THE MATTER OF: )  
)  
CONFORMING AND TECHNICAL ) R00-18  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Land)  
809, NONHAZARDOUS SPECIAL WASTE)  
HAULING AND THE UNIFORM )  
PROGRAM )

Proposed Rule. Second Notice.

OPINION AND ORDER OF THE BOARD (by N. J. Melas):

On December 16, 1999, the Board dismissed the Illinois Environmental Protection Agency's (Agency) proposed rules on permitting certain used oil management facilities and used oil transporters. See In re Amendments to Permitting for Used Oil Management and Use Oil Transport: 35 Ill. Adm. Code 807 and 807 (December 16, 1999), R99-18. Although the Board dismissed the Agency's used oil facility/transporter permitting proposal, the Board determined that certain technical changes to Part 809 of the Board's rules that were a part of the R99-18 docket should be addressed in another rulemaking. The Board also determined that one substantive change to Part 809 is necessary as well. Amendments to Permitting for Used Oil Management and Use Oil Transport, R99-18, slip op. at 1, 7. In order to make these changes, the Board, on its own motion, proposes for second-notice docket R00-18.

PROCEDURAL HISTORY

On March 16, 2000, the Board adopted these proposed rules for first-notice publication in the *Illinois Register* and identified the docket as R00-18. Subsequently, the amendments to Part 809 of the Board's rules were published in the *Illinois Register* (24 Ill. Reg. 5854 (April 7, 2000)).

Two regular hearings were held in this matter before Board Hearing Officer Joel Sternstein and Board Member Nicholas J. Melas. The first was held on April 20, 2000, in Chicago. The Agency was represented by Assistant Counsel Kimberly A. Geving. Daniel Merriman and Ted Dragovich from the Agency were also present. No other interested parties attended the first hearing, and no one at the first hearing presented any testimony. The second was held on May 18, 2000, in Springfield, where Geving, Merriman, and Dragovich were present again.<sup>1</sup> In addition, Dave Walters from the Agency attended and answered questions about docket R00-18 posed by Board Member Melas. No other interested parties attended the second hearing, and, other than the exchange between Board Member Melas and Walters, no one presented any further testimony.

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<sup>1</sup> The transcript of the May 18, 2000, hearing is cited as "Tr.2 at \_".

According to the Illinois Administrative Procedure Act (APA) (5 ILCS 100/1-1 *et seq.* (1998)), the first-notice period ends 45 days after publication in the *Illinois Register*, which, in this case, was May 22, 2000. However, under Section 28.5 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/28.5 (1998)) the record does not close until at least 14 days after the availability of hearing transcripts. The transcript from the final hearing in this matter was available on May 24, 2000. Consequently, the record and public comment period closed on June 16, 2000. Tr. 2 at 10. No public comments were received during the first-notice period with the exception of several minor editorial changes suggested by the Joint Committee on Administrative Rules (JCAR).

### Economic Impact Statement

On March, 21, 2000, the Board requested that the Department of Commerce and Community Affairs (DCCA) conduct an economic impact study (ECiS) for docket R00-18 pursuant to Public Act 90-489, effective January 1, 1998. The Board asked DCCA to respond to the request within ten days, but DCCA did not respond. As a result the Board relies on a March 10, 2000 DCCA letter notifying the Board that it lacks the technical and financial resources to conduct an ECiS for any rule pending before the Board. During the May 18, 2000 hearing for docket R00-18, the Board set aside time for discussion regarding DCCA's decision to not conduct an ECiS for docket R00-18. No one testified on DCCA's decision not to conduct an ECiS, but the dialogue between Board Member Melas and Walters concerned economic impacts of docket R00-18.

### DISCUSSION

#### Illinois Definition of "On-Site" to Match Federal Definition

The substantive change involves the permitting and manifesting of hazardous waste. In Public Comment 21 for docket R99-18, the Agency proposed a change in the definition of "on-site" at Part 809.103. The Agency notes that the Illinois definition of "on-site" for purposes of transport of hazardous waste has not been consistent with the federal definition since 1998. The Agency's proposed change conforms the state definition of "on-site" to the federal one, making them identical.

The change only affects owners and operators of the same or geographically contiguous properties who must use public rights of way to transport hazardous waste from one part of a facility to another. Pursuant to the current Illinois definition of "on-site" the owner or operator does not need a permit and manifest to transport a shipment of hazardous waste across a public right of way. However, the owner or operator needs a permit and manifest if the hazardous waste is transported along the right of way. The new language does away with the distinction and allows unpermitted and unmanifested transport of hazardous waste both across and along public rights of way, provided that the waste is transported to another geographically contiguous part of the same facility. The proposed rule does not allow the unpermitted unmanifested shipment if waste between two separate facilities.

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### Minor Revisions

The Board is also proposing technical amendments to 35 Ill. Adm. Code 809. These changes, suggested by JCAR during a prior rulemaking, are nonsubstantive. JCAR also suggested some nonsubstantive changes during the first-notice period in the instant rulemaking which are included in the order herein. The Board has also made a change during the first-notice period at 35 Ill. Adm. Code 809.101, reinstating a reference to Section 22 of the Act (415 ILCS 5/22 (1998)).

### Economic Impact

Pursuant to questions from Board Member Melas, Walters estimated that, under the proposed changes, costs that the Agency incurs in permitting for nonhazardous special waste haulers and uniform program haulers would stay about the same. Tr. 2 at 7. Walters also said there would be no change in the permitting fees that the Agency collects. *Id.* He estimated that the regulated community would enjoy a “slightly positive impact” from the rule as certain haulers might not need to pay permit fees nor file annual reports. Tr. 2 at 8-9. Walters stated that overall “there really would be no significant economic affect (sic).” Tr. 2 at 8.

### ORDER

Within the text of the order, deletions from the first-notice opinion and order are shown via strikeouts, and additions are underlined. Deletions pursuant to the second-notice process are shown via strikeouts and double underlines, while additions pursuant to the second-notice process are shown via double underlines.

The Board proposes for second-notice the following amendments to 35 Ill. Adm. Code 809. The Clerk of the Board is directed to file these proposed amendments with the Secretary of State.

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809

NONHAZARDOUS SPECIAL WASTE HAULING AND THE UNIFORM PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability

809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

#### SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Section	
809.201	Nonhazardous Special Waste Hauling Permits-General
809.202	Applications for Nonhazardous Special Waste Hauling Permit-Contents
809.203	Applications for Nonhazardous Special Waste Hauling Permit-Signatures and Authorization
809.204	Applications for Nonhazardous Special Waste Hauling Permit-Filing and Final Action by the Agency
809.205	Nonhazardous Special Waste Hauling Permit Conditions
809.206	Nonhazardous Special Waste Hauling Permit Revision
809.207	Transfer of Nonhazardous Special Waste Hauling Permits
809.208	Nonhazardous Special Waste Hauling Permit Revocation
809.209	Permit Defense
809.210	General Exemption from Nonhazardous Special Waste Hauling Permit Requirements
809.211	Exemptions for Nonhazardous Special Waste Transporters
809.212	Duration of Nonhazardous Special Waste Hauling Permits

#### SUBPART C: DELIVERY AND ACCEPTANCE

Section	
809.301	Requirements for Delivery of Nonhazardous Special <del>or Hazardous</del> Waste to Transporters
809.302	Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters

#### SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section	
809.401	Permit Availability
809.402	Nonhazardous Special Waste Symbols

#### SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section  
809.501 Manifests, Records, Access to Records, and Reporting Requirements and Forms

#### SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

Section  
809.601 Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

#### SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section  
809.701 General Provision

#### SUBPART H: EFFECTIVE DATES

Section  
809.801 Compliance Date  
809.802 Exceptions (Repealed)

#### SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section  
809.901 Definitions (Repealed)  
809.902 Disposal Methods (Repealed)  
809.903 Rendering Innocuous by Sterilization (Repealed)  
809.904 Rendering Innocuous by Incineration (Repealed)  
809.905 Recordkeeping Requirements for Generators (Repealed)  
809.906 Defense to Enforcement Action (Repealed)

#### SUBPART J: UNIFORM PROGRAM

Section  
809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program  
809.911 Application for a Uniform Permit  
809.912 Application for Uniform Registration  
809.913 Payment of Processing and Audit Fees

809.914	Payment of Apportioned Mile Fees
809.915	Submittal of Fees
809.916	Previously Permitted Transporters
809.917	Uniform Registration and Uniform Permit Conditions
809.918	Uniform Registration and Uniform Permit Revision
809.919	Transfer of Uniform Registration and Uniform Permits
809.920	Audits and Uniform Registration and Uniform Permit Revocation
809.921	Permit No Defense

#### Appendix A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, and 22.2 and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640; effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. , effective)

#### SUBPART A: GENERAL PROVISIONS

##### Section 809.101 Authority, Policy and Purposes

Pursuant to the authority contained in Sections 5, 10, 13, 21, 22, 22.01, and 22.2 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22, and 22.2], and consistent with the policy and purposes expressed in Section 20 [415 ILCS 5/20] thereof, the Board adopts this Part. This Part prescribes the procedures for the Uniform Hazardous Materials Transportation and Registration Program and for the issuance of permits to nonhazardous special waste transporters; for the inspection and numbering of vehicles; and for proper hauling of special wastes to approved disposal, storage and treatment sites. It is the purpose of this Part to control only wastes as defined herein.

(Source: Amended at 24 Ill. Reg., effective)

##### Section 809.103 Definitions

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Base state" means the state in which a hazardous waste transporter must obtain a uniform registration, if required by the base state, and uniform permit.

"Board" means the Illinois Pollution Control Board.

*"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste or special waste into or on any land or water so that such waste or special waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (Section 3.08 of the Act) [415 ILCS 5/3.08] (See "Waste", "Special Waste.")*

*"Garbage" means the waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce. (Section 3.11 of the Act) [415 ILCS 5/3.11] (See "Waste.")*

*"Hazardous waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. USC 6901 et seq.) or pursuant to agency guidelines consistent with the requirements of the Act and Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. [415 ILCS 5/3.15]-(Section 3.15 of the Act)*

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.15 of the Act.

*"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human*

*health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.17](Section 3.17 of the Act)*

"Manifest" means the form provided or prescribed by the Agency and used for identifying name, quantity, and the origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage, as required by this Part, 35 Ill. Adm. Code: Subtitle G, or by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or regulations thereunder.

"Nonhazardous special waste" means any special waste, as defined in this Section, that has not been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. USC 6901 et seq.) or pursuant to Board regulations.

"Nonhazardous special waste hauling vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, used to transport nonhazardous special waste in bulk or packages, tanks, or other containers.

"Nonhazardous special waste transporter" means any person who transports nonhazardous special waste.

"Off-site" means any site that is not "on-site" as defined in this Section.

"On-site" means (for the purpose of transporting hazardous waste) on the same or geographically contiguous property under the control of the same person even if such contiguous property is that may be divided by a public or private rights-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing, as opposed to going along, the rights-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

"Participating state" means a state that has elected to participate in the uniform program and has entered into a reciprocal agreement.

"Permitted disposal site" means a sanitary landfill or other type of disposal site, including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment ~~that~~ which has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for disposal.

"Permitted storage site" means any site used for the interim containment of special waste prior to disposal or treatment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for storage.

"Permitted treatment site" means any site used to change the physical, chemical or biological character or composition of any special waste, including but not limited to a processing center, a reclamation facility or a recycling center that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for treatment.

*"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee. [415 ILCS 5/3.26](Section 3.26 of the Act)*

*"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415 ILCS 5/3.27](Section 3.27 of the Act)*

"Principal place of business" means the state in which a person owning vehicles used for transporting hazardous waste maintains its central records or majority of its records relating to the transportation of hazardous materials; or the state in which the person owning vehicles used for transporting hazardous waste has the plurality of its mileage.

"Reciprocal agreement" means an agreement between Illinois and another state to participate in the Uniform Program.

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Radiation Protection Act [420 ILCS 40] and Radioactive Waste Storage Act [420 ILCS 35/4] as now or hereafter amended. (See "Waste.")

"Septic tank pumpings" means the liquid portions and sludge residues removed from septic tanks.

"Site" means any location, place or tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations ~~thereunder~~under the Act. [415 ILCS 5/3.43](Section 3.43 of the Act)

"Solid waste." (see "Waste.")

"Special waste" means any of the following:

*Potentially infectious medical waste;*

*Hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in 35 Ill. Adm. Code 722.111, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with 35 Ill. Adm. Code 726 and proven to be nonhazardous;*

*Industrial process waste or pollution control waste, except:*

*Any such waste certified by its generator, pursuant to Section 22.48 of the Act, not to be any of the following:*

*A liquid, as determined using the paint filter test set forth in ~~subdivision (3)(a) of subsection (m) of 35 Ill. Adm. Code 811.107~~(m)(3)(a);*

*Regulated asbestos-containing waste materials, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR 61.141;*

*Polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR 761;*

*An industrial process waste or pollution control waste subject to the waste analysis and recordkeeping*

requirements of 35 Ill. Adm. Code 728.107 under the land disposal restrictions of 35 Ill. Adm. Code 728; and

*A waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Act;*

*Any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107 (m)(3)(a). "Empty portable device or container" means a device or container in which removal of special waste, except for a residue that shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or*

*As may otherwise be determined under Section 22.9 of the Act. [415 ILCS 5/3.45](Section 3.45 of the Act)*

"Special waste transporter" means any person who transports special waste (as defined in Section 3.45 of the Act) from any location.

"Spill" means any accidental discharge of special waste.

"Storage" means the interim containment of special waste prior to disposal or treatment.

"Tank" means any bulk container placed on or carried by a vehicle to transport special waste, including wheel mounted tanks.

*"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of special waste to render it less dangerous or nonhazardous. [415 ILCS 5/3.49] Treatment also includes reclamation, re-use and recycling of special waste. (Section 3.49 of the Act)*

"Truck" means any unitary vehicle used to transport special waste.

"Truck tractor" means any motor vehicle used to transport special waste that is designed and used for drawing other devices and not so constructed as to carry a load other than a part of the weight of the device and load so drawn.

"Uniform application" means the uniform registration and uniform permit application form established under the Uniform Program and provided by the Agency.

"Uniform permit" means the permit issued by a base state under Part II of the uniform application.

"Uniform Program" means the program established pursuant to the directive of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 U.S.C. USC 1 et seq.) and the Hazardous Materials Transportation Authorization Act of 1994 (49 U.S.C.S. USCS 5101 et seq.) and implemented pursuant to the Final Report: Uniform Program Pilot Project and the State Program Administrator's Manual, Uniform Program, Alliance for Uniform HazMat Transportation Procedures, incorporated by reference in Section 809.104.

"Uniform registration" means the annual registration issued by a base state under Part I of the uniform application, if the base state has a registration requirement.

"Vehicle" means any *self-propelled motor vehicle, except a truck tractor without a trailer, designed or used for the transportation of hazardous waste.* [415 ILCS 5/22.2(1-5)(1)]~~(Section 22.2(1-5)(1) of the Act)~~

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.94 of the Act, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq. ~~68 Stat. 921~~) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977 P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

[415 ILCS 5/3.53]~~(Section 3.53 of the Act)~~

(Source: Amended at 24 Ill. Reg. , effective ,)

## SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

### Section 809.204 Applications for Nonhazardous Special Waste Hauling Permit-Filing and Final Action by the Agency

- a) An application for nonhazardous special waste hauling permit is considered filed on the date the Agency receives a properly completed application on the form prescribed or provided by the Agency and with correct fees.
- b) If the Agency fails to take final action (which includes granting or denying the nonhazardous special waste hauling permit as requested, or by granting the nonhazardous special waste hauling permit with conditions) within 90 days after the date the completed application is filed, the applicant may deem the nonhazardous special waste hauling permit granted for a period of one calendar year commencing on the 91st day after the application was filed.
- c) The Agency will send all denials by U.S. Registered or Certified Mail, Return Receipt Requested. All other final Agency decisions may go by regular U.S. mail. The Agency will be deemed to have taken final action on the date that the notice of final action is mailed. Within 35 days ~~after~~ of the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.
- d) The Agency will require the application to be complete. If incomplete, the application will be returned, and the transporter will be required to resubmit a complete application. The application must be consistent with the provisions of the Act and Board regulations. The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the permit.
- e) When an application is denied because it fails to comply with the Act or Board regulations, any fees submitted with the application will be non-refundable. Any subsequent re-filing of the application will be considered a new application for which an application fee must be included in accordance with Section 22.2 of the Act.
- f) When the Agency rejects an application because it is incomplete, any fees submitted will be non-refundable. The applicant can receive credit for the

payment with a resubmitted application if the resubmittal is complete and returned to the Agency within 30 days ~~after~~ of the initial date-stamped rejection.

(Source: Amended at 24 Ill. Reg. , effective)

#### Section 809.208 Nonhazardous Special Waste Hauling Permit Revocation

Violation of any nonhazardous special waste hauling permit conditions or failure to comply with any provisions of the Act or with any Board regulation will be grounds for sanctions as provided in the Act, including revocation of the permit as ~~therein provided~~ in the Act.

(Source: Amended at 24 Ill. Reg. , effective)

#### Section 809.211 Exemptions for Nonhazardous Special Waste Transporters

The following persons need not obtain a nonhazardous special waste hauling permit nor carry a manifest if they haul only the waste indicated:

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act [225 ILCS 225] and who hauls only septic tank pumpings.
- b) Any person who hauls only livestock waste intended for land application pursuant to 35 Ill. Adm. Code 560.
- c) Transporters of municipal water or wastewater treatment plant sludge that is to be applied to land and that is regulated under a sludge management scheme approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.
- d) Any person licensed in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer.
- e) Any person operating under rules and regulations adopted pursuant to "~~An Act in relation to the Illinois Oil and Gas Act, Coal and Other Surface and Underground Resources~~" [225 ILCS 725] and who hauls only oil and gas extraction wastes as defined in that Act.
- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act [420 ILCS 40].
- g) Any person who hauls only coal combustion fly ash.
- h) Any person who hauls only declassified waste or refuse.

- i) Any person who hauls only special waste exempted by 35 Ill. Adm. Code 808.123 (small quantity generators of 220 pounds or less per month of special waste).
- j) Any person who hauls potentially infectious medical waste that is regulated under 35 Ill. Adm. Code Subtitle M.
- k) Any person who hauls used tires regulated under 35 Ill. Adm. Code 848.

(Source: Amended at 24 Ill. Reg. , effective)

#### SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

##### Section 809.401 Permit Availability

Upon issuance of a nonhazardous special waste hauling permit or a Uniform Program registration and permit, the owner and operator of any such vehicle used to transport nonhazardous special or hazardous waste shall maintain within the vehicle a legible photocopy of the nonhazardous special waste hauling permit or Uniform Program registration and permit. Upon request, issuance of the nonhazardous special waste hauling permit or Uniform Program registration and permit shall be disclosed by the owner and operator of the vehicle to any representative of the State of Illinois (including, but not limited to, the Agency), any generator of the special waste, or any treatment, storage, or disposal facility that has handled, is handling, or will handle the special waste. Upon request by any such representative, the transporter shall make available a photocopy of the nonhazardous special waste hauling permit or Uniform Program registration and permit to the representative. The owner and operator of the vehicle shall also comply with any otherwise applicable federal regulations.

(Source: Amended at 24 Ill. Reg. , effective)

#### SUBPART E: MANIFESTS, RECORDS AND REPORTING

##### Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

- a) Any person who delivers special waste to a permitted nonhazardous special or hazardous waste transporter shall complete a uniform hazardous waste manifest to accompany the special waste from delivery to the destination of the special waste. The manifest form will be provided or prescribed by the Agency.
- b) The transporter shall include in the manifest the following:
  - 1) The name of the generator of the special waste and generator number;

- 2) Information stating when and where the special waste was generated;
  - 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
  - 4) The name and permit number of the transporter;
  - 5) The date of delivery; and
  - 6) The classification and quantity of the special waste delivered to the transporter.
- c) Manifest copies to be sent to the Agency:
- 1) Every person who delivers RCRA hazardous waste or polychlorinated biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois manifest to the Agency within two days after the shipment. Every person who accepts RCRA hazardous waste or PCB waste from a transporter shall submit a copy of the Illinois manifest to the Agency within 30 days after receipt.
  - 2) A person who delivers RCRA hazardous waste or PCB wastes to a transporter on another state's manifest, such as where the destination state requires use of its manifest, does not have to submit manifest copies to the Agency.
  - 3) A person who delivers non-RCRA hazardous wastes or non-PCB wastes to a transporter does not have to send a copy of the manifest to the Agency. A person who accepts non-RCRA hazardous waste or non-PCB wastes from a transporter does not have to send a copy of the manifest to the Agency.
- d) The manifest will consist of at least four parts, in contrasting colors, such that an entry or signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste transporter, acknowledging the delivery. The top part of the manifest shall also be signed by the special waste transporter, acknowledging receipt of the special waste. The person who delivers special waste to a special waste transporter shall retain the designated parts of the manifest as a record. The remaining parts of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

- e) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste transporter shall be conducted under a manifest initiated by the permitted disposal, storage or treatment site.
- f) In all cases, the special waste transporter shall deliver the designated parts of the ~~complete~~completed, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter shall retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste transporter shall send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.
- g) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter shall retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts shall be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.

BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection. Generators and receiving facilities subject to those Parts shall continue to supply designated copies of all manifests to the Agency.

- h) Every generator who delivers nonhazardous special waste via a transporter to a facility located outside Illinois shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports shall, at a minimum, include the information specified in subsection (i) of this Section and should be received by the Agency no later than February 1.
- i) Every annual report required to be filed with the Agency by a generator for waste going out of state pursuant to subsection (h) of this Section shall include the following:
  - 1) The IEPA identification number, name and address of the generator;
  - 2) The period (calendar year) covered by the report;

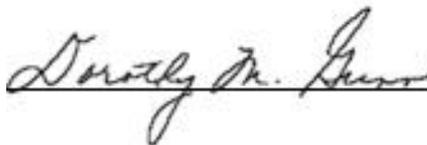
- 3) The IEPA identification number, name and address for each off-site treatment, storage or disposal facility to which waste was shipped during the period;
  - 4) The name and IEPA special waste hauling number of each transporter used during the period for shipments to a treatment, storage or disposal facility;
  - 5) A description and the total quantity of each nonhazardous special waste shipped out of state, listed by IEPA identification number of each receiving site;
  - 6) The method of treatment, storage or disposal for each nonhazardous special waste; and
  - 7) A certification signed by the generator or the generator's authorized representative.
- j) Every in-State facility that accepts nonhazardous special waste from a nonhazardous special waste transporter shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports should, at a minimum, include the information specified in subsection (k) of this Section and be received by the Agency no later than February 1. This subsection is applicable to all nonhazardous special wastes that are delivered to a nonhazardous special waste transporter on or after January 1, 1991.
- k) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a nonhazardous special waste transporter pursuant to subsection (j) of this Section shall include the following information:
- 1) The IEPA identification number, name and address of the facility;
  - 2) The period (calendar year) covered by the report;
  - 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
  - 4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information shall be listed by IEPA identification number of each generator;

- 5) The method of treatment, storage or disposal for each nonhazardous special waste; and
- 6) A certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

(Source: Amended at 24 Ill. Reg. , effective)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 13th day of July 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board