

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 1999

IN THE MATTER OF: )  
)  
AMENDMENTS TO PERMITTING FOR ) R99-18  
USED OIL MANAGEMENT AND USED ) (Rulemaking - Land)  
OIL TRANSPORT 35 ILL. ADM. CODE )  
807 AND 809 )

Proposed Rule. First Notice.

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

On November 2, 1998, the Illinois Environmental Protection Agency (Agency) filed a “Motion to Sever the Docket and Proposed Amendments to Parts 809 and 807” (Mot. Sever). In the motion to sever, the Agency requested that the Board separate its proposed rules on used oil management and used oil transportation from the rules on hazardous waste transportation in docket R98-29. In addition, the Agency proposed rules for used oil management and used oil transportation. The Board granted the motion to sever and created this docket to address the Agency’s proposed rules on used oil management and used oil transportation. See In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29, slip op. at 1.

By today’s action, the Board adopts the Agency’s proposed amendments for first notice, pursuant to the Illinois Administrative Procedure Act. 5 ILCS 100/1-1 *et seq.* (1996). The proposed amendments will be published in the *Illinois Register*, whereupon a minimum 45-day public comment period will begin during which interested persons may file public comments with the Board. The Board also incorporates the entire R98-29 docket into the R99-18 docket.

REGULATORY / STATUTORY FRAMEWORK

In the past, facilities receiving used oil from off-site locations were subject to permitting requirements at Part 807 of the Board’s rules and used oil transporters were subject to special waste hauling permit requirements in Part 809. PC 2, fin. com. at 4;<sup>1</sup> 35 Ill. Adm. Code 807 and 809.

In the early 1990s, the United States Environmental Protection Agency promulgated revised regulations pursuant to the Resource Conservation and Recovery Act (RCRA) for used oil generators, processors, refiners, burners, marketers, and transporters. PC 2, fin. com. at 3; 42 U.S.C. § 6935 (1996). The revised standards were codified as a new Part 739 of the Illinois Administrative Code in 1993. PC 2, fin. com. at 3-4; 35 Ill. Adm. Code 739; see also

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<sup>1</sup> The Agency’s “Final Comments” for docket R98-29 are cited as “PC 2, fin. com. at \_\_.”

In the Matter of: RCRA Update, USEPA Regulations (7/1/92 - 12/31/92) (September 23, 1993), R93-4.

By placing the revised used oil management standards at Part 739, used oil management facilities inadvertently became exempt from permitting requirements at Part 807 of the Board's rules. PC 2, fin. com. at 4. Section 807.105(a) of the Board's rules exempts "Persons and facilities regulated pursuant to 35 Ill. Adm. Code 700 through 749." 35 Ill. Adm. Code 807.105(a). The placement of the revised used oil management standards at Part 739 did not affect used oil transportation, and used oil transporters are still subject to regulation under Part 809 of the Board's rules.

### PROCEDURAL HISTORY

The precursor to the Agency's proposal for docket R99-18 was in the Agency's May 8, 1998 "Motion for Acceptance" for docket R98-29 (Mot. Accept). R98-29 changes the rules for the transportation of hazardous waste in Illinois so that Illinois rules' conform to an emerging national standard. See In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29, slip op. at 1. The Agency's motion for acceptance also slightly changed the rules regarding the transportation of nonhazardous special waste, including used oil. Mot. accept, notice of proposed amendments at 27-28.

At the second hearing for docket R98-29 held on July 31, 1998, in Chicago, Anand Rao, the Board's technical advisor, asked Edwin C. Bakowski, manager of the Permit Section of the Bureau of Land for the Agency, several questions about the Agency's motion for acceptance as it related to permitting for used oil management facilities.<sup>2</sup>

Bakowski explained that, according to the Agency's motion for acceptance, those who transported only used oil did not need a nonhazardous special waste hauling permit. Tr.2 at 8. In addition, used oil management facilities were also exempt from permit requirements. Tr.2 at 8,12; 35 Ill. Adm. Code 807.105(a). According to operating procedures at the Bureau of Land, Bakowski said that Agency personnel routinely inspect permitted facilities that handle nonhazardous special waste. Tr.2 at 10. Agency personnel randomly inspect nonpermitted facilities (including, at that time, facilities that handle used oil), and they also inspect nonpermitted facilities when there are complaints. *Id.*

Rao asked Bakowski if it was good public policy for the Agency to exempt used oil facilities from permitting requirements. Tr.2 at 11. Bakowski replied that the Agency would further consider that point. *Id.*

The Agency submitted its final comments for docket R98-29 on September 2, 1998, and addressed the discussion at the July 31, 1998 hearing on permits for used oil management facilities and for used oil transporters. The Agency provided the Board with three options for improving the used oil facility permitting rules: 1) require permits for all used oil management

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<sup>2</sup> The transcript of the July 31, 1998 hearing for docket R98-29 is cited as "Tr.2 at \_."

facilities pursuant to Section 21(d) of the Act and Part 807 of the Board's rules; 2) maintain the status quo and exempt used oil management facilities from the Part 807 permitting requirements; or 3) require some used oil management facilities to have Part 807 Permits but exempt others. PC 2, fin. com. at 4. The Agency recommended that the best course for the Board to follow would be to adopt option three. PC 2, fin. com. at 4-5.

Inasmuch as this matter has already been discussed at the July 31, 1998 hearing for docket R98-29, in the Agency's final comments for docket R98-29, and in the Agency's proposed language within the motion to sever docket R99-18 from R98-29, the Board finds that it is expedient to proceed to first notice in docket R99-18. In addition, R99-18 changes only three subsections of the Board's rules. For these reasons, the Board is confident that holding the hearings for docket R99-18 during the first notice period is appropriate.

### DISCUSSION

In the proposed language for docket R99-18 the Agency stated that certain oil facilities may pose a risk to human health and the environment. PC 2, fin. com. at 4; mot. sever at 1. Facilities that may pose a risk would be safer if they were subject to permitting requirements. PC 2, fin. com. at 4. However, the Agency suggests that those who handle small quantities of used oil be exempt from permitting requirements in order to reduce the regulatory burden and encourage recycling. PC 2, fin. com. at 4-5. The Agency recommends that the Board amend Part 807 of the Board's rules to require those facilities that handle large quantities of used oil to secure permits, but exempt "do-it-yourselfers" and small quantity generators from permitting requirements. Mot. sever at 2.

#### Minor Revisions to Agency Proposal

The Board has renumbered two of the sections in the Agency's proposal. The amendments to Section 809.311 in the Agency's proposal have been renumbered as amendments to Section 809.211. Likewise, the amendments to Section 809.402 in the Agency's proposal have been renumbered to 809.302. The changes are necessary in order to conform to the Board's renumbering of the Agency's proposal in docket R98-29. See In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29, slip op. at 4.

In this first-notice opinion and order, the Board has included the Agency's revised language for the Part 809 table of contents and the renumbered Sections 809.211 and 809.302 from the first-notice opinion and order for docket R98-29. See In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29, slip op. at 27-29. The Board has included the language in order to maintain consistency between the first-notice opinions and orders for dockets R98-29 and R99-18.

### Used Oil Transportation

The Agency's proposal adds language to Sections 809.211 and 809.302 of the Board's procedural rules. Mot. sever at 4. The Agency proposes that transporters who haul only used oil but no other hazardous or nonhazardous special waste be exempt from Part 809 permitting requirements if those transporters deliver used oil to a nonpermitted (under the Agency's proposed changes to Part 807) used oil aggregation point or a used oil collection center. *Id.* By definition, neither used oil aggregation points nor used oil collection centers may accept shipments of used oil in quantities greater than 55 gallons per shipment. 35 Ill. Adm. Code 739.100.

### Used Oil Management

In order to address the concerns regarding the potential hazards at certain used oil facilities, the Agency proposes that used oil transfer facilities, used oil processors, used oil fuel marketers, used oil burners, and petroleum refining facilities be subject to the Part 807 permitting requirements. Mot. sever at 4. In order to better explain the scope of the Agency's proposal, it is more convenient to explain those persons and facilities not subject to Part 807 permitting requirements: They include the aforementioned small-volume used oil aggregation points and used oil collection centers in addition to used oil generators and household "do-it-yourselfer" used oil generators and "do-it-yourselfer" used oil collection centers. A used oil generator is anyone whose acts first produce used oil, while household "do-it-yourselfer" used oil generators are those who generate used oil at home - the most common example is people who maintain their own automobiles. 35 Ill. Adm. Code 739.100. All other used oil management facilities are subject to Part 807 permitting requirements.

### Hearing on DCCA's Decision to not Conduct an ECiS

On December 22, 1998, the Board requested that the Department of Commerce and Community Affairs (DCCA) conduct an economic impact study (ECiS) for docket R99-18 pursuant to Pub. 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 July 26, 1998 DCCA letter notifying the Board that it lacked the technical and financial resources to conduct an ECiS for any rule pending before the Board for the remainder of fiscal year 1999. During one of the hearings for docket R99-18, the Board will set aside time to entertain any comments regarding DCCA's decision to not conduct an ECiS for docket R99-18.

### CONCLUSION

The Agency has carefully considered the Board's questions and comments posed at the July 31, 1998 hearing for docket R98-29. The record justifies adopting the Agency's proposal in docket R99-18, with minor technical revisions, for first notice.

### ORDER

The Board directs this matter to hearing. The Board also proposes for first notice the following amendments to 35 Ill. Adm. Code 809 and 807. 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 807  
 SOLID WASTE

SUBPART A: GENERAL PROVISIONS

Section	
807.101	Authority, Policy and Purposes
807.102	Repeals
807.103	Severability
807.104	Definitions
807.105	Relation to Other Rules

SUBPART B: SOLID WASTE PERMITS

Section	
807.201	Development Permits
807.202	Operating Permits
807.203	Experimental Permits
807.204	Former Authorization
807.205	Applications for Permit
807.206	Permit Conditions
807.207	Standards for Issuance
807.208	Permit No Defense
807.209	Permit Revision
807.210	Supplemental Permits
807.211	Transfer of Permits
807.212	Permit Revocation
807.213	Design, Operation and Maintenance Criteria
807.214	Revised Cost Estimates

SUBPART C: SANITARY LANDFILLS

Section	
807.301	Prohibition
807.302	Compliance with Permit
807.303	Methods of Operation

807.304	Equipment, Personnel and Supervision
807.305	Cover
807.306	Litter
807.307	Salvaging
807.308	Scavenging
807.309	Animal Feeding
807.310	Special Wastes
807.311	Open Burning
807.312	Air Pollution
807.313	Water Pollution
807.314	Standard Requirements
807.315	Protection of Waters of the State
807.316	Application
807.317	Operating Records
807.318	Completion or Closure Requirements

#### SUBPART E: CLOSURE AND POST-CLOSURE CARE

Section	
807.501	Purpose, Scope and Applicability
807.502	Closure Performance Standard
807.503	Closure Plan
807.504	Amendment of Closure Plan
807.505	Notice of Closure and Final Amendment to Plan
807.506	Initiation of Closure
807.507	Partial Closure
807.508	Certification of Closure
807.509	Use of Waste Following Closure
807.523	Post-closure Care Plan
807.524	Implementation and Completion of Post-closure Care Plan

#### SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

Section	
807.600	Purpose, Scope and Applicability
807.601	Requirement to Obtain Financial Assurance
807.602	Time for Submission of Financial Assurance
807.603	Upgrading Financial Assurance
807.604	Release of Financial Institution
807.605	Application of Proceeds and Appeal
807.606	Release of the Operator
807.620	Current Cost Estimate
807.621	Cost Estimate for Closure
807.622	Cost Estimate for Post-closure Care

- 807.623 Biennial Revision of Cost Estimate
- 807.624 Interim Formula for Cost Estimate
- 807.640 Mechanisms for Financial Assurance
- 807.641 Use of Multiple Financial Mechanisms
- 807.642 Use of Financial Mechanism for Multiple Sites
- 807.643 Trust Fund for Unrelated Sites
- 807.644 RCRA Financial Assurance
- 807.661 Trust Fund
- 807.662 Surety Bond Guaranteeing Payment
- 807.663 Surety Bond Guaranteeing Performance
- 807.664 Letter of Credit
- 807.665 Closure Insurance
- 807.666 Self-insurance for Non-commercial Sites
  
- 807.Appendix A Financial Assurance Forms
  - Illustration A Trust Agreement
  - Illustration B Certificate of Acknowledgment
  - Illustration C Forfeiture Bond
  - Illustration D Performance Bond
  - Illustration E Irrevocable Standby Letter of Credit
  - Illustration F Certificate of Insurance for Closure and/or Post-closure Care
  - Illustration G Operator's Bond Without Surety
  - Illustration H Operator's Bond With Parent Surety
  - Illustration I Letter from Chief Financial Officer
- 807.Appendix B Old Rule Numbers Referenced

**AUTHORITY:** Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21.1, 22, and 27].

**SOURCE:** Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985, for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722, effective April 29, 1985; amended in R84-22C at 9 Ill. Reg. 18942, effective November 25, 1985; amended in R84-45 at 12 Ill. Reg. 15566, effective September 14, 1988; amended in R88-7 at 14 Ill. Reg. 15832, effective September 18, 1990; emergency amendment in R93-25 at 17 Ill. Reg. 17268, effective September 24, 1993, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12451, effective August 1, 1994; amended in R96-1 at 20 Ill. Reg. 12549, effective August 15, 1996; amended in R99-18 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Capitalization denotes statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 807.105 Relation to Other Rules

- a) Persons and facilities regulated pursuant to 35 Ill. Adm. Code 700 through 749 are not subject to the requirements of this Part or of 35 Ill. Adm. Code 811 through 817, except that used oil transfer facilities, used oil processors, used oil fuel marketers, used oil burners, and petroleum refining facilities, as defined in 35 Ill. Adm. Code 739.100, will be required to obtain a permit under this Part. However, ~~if~~ ~~such~~ a facility ~~also~~ contains one or more units used solely for the disposal of solid wastes, as defined in 35 Ill. Adm. Code 810.103, such units are also subject to requirements of this Part and 35 Ill. Adm. Code 811 through 817.
- b) Persons and facilities subject to 35 Ill. Adm. Code 807, 809 or 811 through 817 may be subject to other applicable Parts of 35 Ill. Adm. Code: Chapter I based on the language of those other Parts. Specific examples of such applicability are provided as explained at 35 Ill. Adm. Code 700.102.
- c) The requirements of 35 Ill. Adm. Code 810 through 817 are intended to supersede the requirements of this Part. Persons and facilities regulated pursuant to 35 Ill. Adm. Code 810 through 817 are not subject to the requirements of this Part. This Part does not apply to new units as defined in 35 Ill. Adm. Code 810.103.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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
<u>809.104</u>	<u>Incorporations by Reference</u>
<u>809.105</u>	<u>Public Records</u>

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

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

## SUBPART C: DELIVERY AND ACCEPTANCE

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

SUBPART D: PERMIT AVAILABILITY ~~VEHICLE NUMBERS~~ AND SYMBOLS

Section	
809.401	Vehicle Numbers
809.402	<u>Nonhazardous</u> 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~~ (Repealed)

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

<u>809.920</u>	<u>Audits and Uniform Registration and Uniform Permit Revocation</u>
<u>809.921</u>	<u>Permit No Defense</u>

## Appendix A Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 ~~and~~ and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 5/10, 5/13, 5/21, 5/22, 5/22.01, 5/22.2 and 5/27](~~Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1005, 1010, 1013, 1022, and 1027~~); as amended by P.A. 87-752, effective January 1, 1992; and as amended by 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 ~~at~~ 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. \_\_\_\_\_, effective \_\_\_\_\_; amended in R99-18 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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

The following persons need not obtain a nonhazardous special waste hauling permit nor ~~or~~ 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](~~Ill. Rev. Stat., 1989 ch. 111 1/2 par. 116.301 et seq.~~) 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 Haulers of municipal water or wastewater treatment plant sludge ~~that which~~ is to be applied to land and ~~that which~~ 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 "An Act in relation to the Disposal of Dead Animals" [225 ILCS 610] (~~Ill. Rev. Stat. 1989, ch. 8,~~

~~par. 149.1 e seq.)~~ 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 Oil, Gas, Coal and Other Surface and Underground Resources" [225 ILCS 725] (~~Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5401 et seq.~~) 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] (~~Ill. Rev. Stat. 1989, ch. 111 1/2, par. 211 et seq.~~).
- ~~g) Any person holding a permit or certificate issued by the Illinois Commerce Commission or the Interstate Commerce Commission and who handles only shipments pursuant to a bill of lading in accordance with such Commission's regulations~~
- gh) Any person who hauls only coal combustion fly ash.
- hi) Any person who hauls only declassified waste or refuse.
- ij) 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.
- l) Any person who transports only used oil to a used oil aggregation point or collection facility, as defined in 35 Ill Adm. Code 739.100, exempt from permit requirements pursuant to 35 Ill. Adm. Code 807.105(a).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters Haulers

- a) No person may ~~shall~~ accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter ~~hauler~~ unless the special waste transporter ~~hauler~~ has a valid nonhazardous special waste hauling permit or

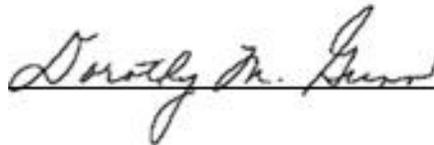
Uniform Program Registration and Permit issued by the Agency under Subpart B or J of this Part and concurrently presents to the receiver of the special waste, or the receiver's his-agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste.

- b) No person may shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations. However, shipments of only used oil may be delivered to any person who is operating without a permit (under the exemption in 35 Ill. Adm. Code 807) a used oil aggregation point or a used oil collection center, as defined by 35 Ill. Adm. Code 739.100.

(Source: Amended at 23 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 21st day of January 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board