

IN THE MATTER OF:)
)
CHAPTER 9 RCRA REVISIONS) R81-31

On January 21, 1982 the Board ordered that the attached proposed rules be made available to the public for comment, alternative proposals and a proponent.

PART 700: OUTLINE OF WASTE DISPOSAL
REGULATIONS

SUBPART A: GENERAL

Section 700.103 Organization

Subtitle G is only partly codified. The following table is
the intended assignment of Part numbers:

<u>Part</u>	<u>Prior to Codification</u>	<u>40 CFR Part</u>	<u>Name or Abbreviated Name</u>
Chapter I: Pollution Control Board			
Subchapter a: General Provisions			
700	----	---	Outline
701	----	---	Reserved
Subchapter b: Permits			
702	----	122	Reserved for RCRA
703	----	123	Permit Program
704	----	124	
705	----	125	
706	Ch. 9, Part-I		Special Waste Introduction
707	Ch. 9, Part-II		Special-Waste-Permits
707-709			(Transporters)
708-6-709	----	---	Reserved
710	Ch. 7, Part I	---	Solid Waste Introduction
711	Ch. 7, Part II	---	Solid Waste Permits
			(Owners & Operators)
712-719			Reserved
Subchapter c: Hazardous Waste Operating Requirements			
720	----	260	RCRA Operating
			Requirements--General
721	----	261	Identification & Listing
722	----	262	Generators
723	----	263	Transporters
724	----	264	Reserved
725	----	265	Interim Standards for
			Owners & Operators
726-729			Reserved
Subchapter d: Special-Waste-Operating-Requirements			
			<u>Reserved</u>

<u>Part</u>	<u>Prior to Codification</u>	<u>40 CFR Part</u>	<u>Name or Abbreviated Name</u>
(continued from previous page)			
730	Ch. 9, Part III		Delivery and Acceptance of Special Waste
731	Ch. 9, Part IV		Vehicle Numbers
732	Ch. 9, Part V		Special Waste Manifests
733	Ch. 9, Part VI		Duration of Special Waste Permits
734	Ch. 9, Part VII		Spill Episodes
735	Ch. 9, Part VIII		Effective Date
736	Ch. 9, Part IX		Hazardous (Infectious) Hospital Wastes
<u>730-736</u>			<u>Reserved</u>

Subchapter e: General Waste Operating Requirements

737	Ch. 7, Part III	---	Solid Waste Operating Requirements
738			Reserved for Operator Criteria
739-749			Reserved

Chapter II: Illinois Environmental Protection Agency

750-799			Reserved for IEPA Use
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Source Note: 5 Ill. Reg. 9781, October 2, 1981;
effective as noted in §700.106; amended 5 Ill. Reg.
unless otherwise indicated.

SUBPART B: DEFINITIONS

Section 700. Part 706
~~Chapter 9~~ Operating Requirements

~~Parts III through VIII of Chapter 9, excluding various provisions which are permit rules, such as Rule 601(A).~~ Subparts D and E of Part 706.

Source Note: Adopted 5 Ill. Reg.

Section 700. Part 706
~~Chapter 9~~ Permits

Special waste hauling permits required pursuant to ~~Part II of Chapter 9.~~ Part 706.

Source Note: Adopted 5 Ill. Reg.

Section 700. Conflict

As used in Part 700, "conflict means an unresolved inconsistency, between Chapter 7 or ~~Chapter-9~~ Part 706 and Parts 720 through 725, which appears to require the performance of mutually exclusive acts by persons affected by the rules. Inconsistent definitions are not themselves conflicts, although they may give rise to conflicting substantive regulations. In Part 700 the Board has resolved all known inconsistencies, but has provided general rules for the resolution of conflicts which may arise in application.

Source Note: Adopted 5 Ill. Reg.

SUBPART C: GENERATORS

Section 700.301 Permits

- a) Neither ~~Chapter-9~~ Part 706 nor the RCRA rules imposes a permit requirement on generators as such.
- b) Generators must obtain an EPA identification number from USEPA pursuant to Part 722.

~~Section-700.302---Operating-Requirements~~

- ~~a)---Generators-which-are-subject-to-RCRA-rules-but-not-Chapter-9 shall-comply-only-with-RCRA-operating-requirements.~~
- ~~b)---Generators-which-are-subject-to-Chapter-9-but-not-RCRA-rules shall-comply-only-with-Chapter-9-operating-requirements.~~
- ~~c)---Generators-subject-to-both-RCRA-rules-and-Chapter-9-shall comply-with-both.---However,--in-the-event-of-conflict,--RCRA Rules-rules-shall-prevail.~~

~~d)---As-used-in-this-section,-operating-requirements-do-not
include-rules-relating-to-manifests-~~

Section 700.302 Operating Requirements

- a) Part 706 contains a permit requirement for haulers of
special waste, which includes hazardous waste, industrial
process waste and pollution control waste, while Part 706
requires quarterly reporting of non-hazardous special waste.
- b) The generator may complete a manifest for non-hazardous
waste. The waste thereby becomes a hazardous waste
subject to the RCRA rules and is no longer subject to
the quarterly reports of Part 706.

Source Note: 5 Ill. Reg. 9781, October 2, 1981;
effective as noted in §700.106; amended 5 Ill. Reg.
unless otherwise indicated.

Section 700.303 Manifests

- a) Manifest requirements of Subpart B of Part 722 provide
that the generator must forward a copy of manifests to the
Agency in addition to the actions which would be required
under 40 CFR Part 262.
- ~~b)---Generators-subject-to-Chapter-9-or-RCRA-rules-shall-comply
with-the-manifest-requirements-of-Part-722,-Subpart-B-
Compliance-shall-be-deemed-compliance-with-Chapter-9
manifest-requirements-~~
- ~~c)---No-person-shall-deliver,-transport-off-site-or-offer-for-
transportation-off-site,-waste-without-a-manifest-if-a~~

~~manifest-is-required-under-either-Chapter-9-or-the-RCRA
rules.~~

Source Note: 5 Ill. Reg. 9781, October 2, 1981;
effective as noted in §700.106; amended 5 Ill. Reg.
unless otherwise indicated.

Section 700.304 Small Quantity Exemptions

- ~~a)---Chapter-9-has-a-100-kg/mo--(kilograms-per-month)-exemption
(Rule-210)-.~~
- ~~b)---The-RCRA-rules-have-a-1000-kg/mo--exemption-coupled-with
a-1-kg/mo--exemption-for-acute-hazardous-waste-and-other
small-quantity-rules-(§721.105)-.~~
- ~~c)---A-generator-is-exempt-from-Chapter-9-if-it-generates-less
than-100-kg/mo--of-Chapter-9-special-waste,including
special-waste-which-is-hazardous-under-RCRA-rules-(Rule-210)-.~~
- ~~d)---A-generator-is-exempt-from-the-RCRA-rules-if-it-generates
less-than-1000-kg/mo--of-RCRA-hazardous-waste,including
hazardous-waste-which-is-also-special-waste-under-Chapter-9,
provided-however-that-the-generator-may-be-subject-to-the
RCRA-rules-with-smaller-quantities-as-set-out-in-§721.105.~~
- e) a) The generator must make the first determination as to
whether a waste is subject to Chapter-9 Part 706 or RCRA
rules and whether it is exempt. (Rule-501-of-Chapter-9
§706.310 and §722.111).
- ~~f)---The-following-table-summarizes-the-small-quantity-exemptions:~~

Quantity	*RCRA-Hazardous-Waste		
Per-Month	Regular	Acute	Special-Waste
1000-kg-or-more	Applicable	Applicable	Applicable
100-to-1000-kg	Exempt	Applicable	Applicable
1-to-100-kg	Exempt	Applicable	Exempt
less-than-1-kg	Exempt	Exempt	Exempt

Source Note: 5 Ill. Reg. 9781, October 2, 1981;
effective as noted in §700.106; amended 5 Ill. Reg.
unless otherwise indicated.

~~*There are other small quantity RCRA rules which are not
summarized in this table (§721.105).~~

- b) Part 721 contains an exclusion for non-acute hazardous
waste generated in quantities of less than 100 kg/mo. This
differs from the 1000 kg/mo. exemption of 40 CFR Part 261.

SUBPART D: TRANSPORTERS

Section 700.401 Permits

- a) The RCRA rules do not require permits of transporters.
Transporters subject to Part 723 must obtain identification
numbers from USEPA (§723.112). Transporters of special
waste subject to Chapter-9 Part 706 must obtain Agency
identification numbers from the Illinois Environmental
Protection Agency.
- b) ~~Rule-201-of-Chapter-9~~ Part 706 requires permits of trans-
porters of special waste. ~~Transporters who are subject to
Part-723 must comply with this permit requirement if they
are subject to Rule-201.~~ This includes all hazardous waste
transporters.
- c) ~~Transporters who are exempt from Rule-201 of Chapter-9 under
Rule-210 or 211 need not obtain transporter permits even if-~~

~~they are subject to Part 723.~~

~~Comment:--The Board recommends that all transporters obtain transporter permits.~~

Source Note: 5 Ill. Reg. 9781, October 2, 1981;
effective as noted in §700.106; amended 5 Ill. Reg.
unless otherwise indicated.

Section 700.402 Operating Requirements

- a) Any transporter subject to the operating requirements of RCRA but not ~~Chapter-9~~ Part 706 must comply only with the RCRA operating requirements (Part 723).
- b) Transporters subject to ~~Chapter-9~~ Part 706 operating requirements but not RCRA rules must comply only with ~~Chapter-9-~~ Part 706 operating requirements. For example, a transporter hauling only ~~Chapter-9~~ special waste which is not hazardous ~~as defined in the RCRA rules~~ need comply only with ~~Chapter-9~~ Part 706 operating requirements.
- c) Transporters subject both to RCRA rules and ~~Chapter-9~~ Part 706 operating requirements shall comply with both sets of rules. In the event of a conflict, RCRA rules shall prevail.
- d) Transporters which have a ~~Chapter-9~~ Part 706 permit shall placard and display their ~~Chapter-9~~ Part 706 number in accordance with ~~Chapter-9~~ Part 706 regardless of whether a load is subject to ~~Chapter-9~~ Part 706 or RCRA rules.
- e) ~~---As used in this section, operating requirements do not include rules relating to manifests.~~

Source Note: 5 Ill. Reg. 9781, October 2, 1981;
effective as noted in §700.106; amended 5 Ill. Reg.
unless otherwise indicated.

~~Section-700.403---Manifests~~

- ~~a)---Rules-for-handling-of-manifests-by-transporters-are substantially-identical-in-RCRA-rules-and-Chapter-9.~~
- ~~b)---Transporters-who-accept-manifested-waste-in-accordance with-RCRA-regulations-shall-be-deemed-to-have-complied with-the-Chapter-9-manifest-requirements-(Part-V-of-Chapter-9)-.~~
- ~~c)---Transporters-shall-not-accept-unmanifested-waste-if-a manifest-would-be-required-under-either-RCRA-rules-or Chapter-9.~~

Section 700.404 Small Quantity Exemptions

- a) Small quantity exemptions are directly applicable only to generators in ~~both-Chapter-9~~ Part 706 and the RCRA rules.
- b) Transporters must obtain ~~Chapter-9~~ Part 706 permits and Agency identification numbers even if they only transport loads which do not require manifests because of small quantity exemptions. However, this does not apply to an exempt generator who transports his own waste. USEPA identification numbers are not required of transporters who haul only exempt waste.

Comment: Transporters should obtain a certification from the generator that a load is subject to exemption under ~~Chapter-9~~ Part 706 and RCRA rules prior to accepting unmanifested waste (§725.176).

Source Note: 5 Ill. Reg. 9781, October 2, 1981; effective as noted in §700.106; amended 5 Ill. Reg. unless otherwise indicated.

SUBPART E: OWNERS AND OPERATORS OF HWM SITES

Section 700.501 Permits

- a) RCRA rules do not at this time impose permit requirements on owners or operators of hazardous waste management sites which have interim status. Permits are deemed issued under §700.105 (§725.101 and §21(f)(1) of the Environmental Protection Act as amended by P.A. 82-380).
- b) HWM owners and operators must obtain permits pursuant to Rules 201 and 202 of Chapter 7 if they are subject to those rules. Examples of facilities subject to the RCRA rules but not Chapter 7 include sites conducting open burning of explosive waste or land application of sludge.
- c) Deleted.
- d) Owners and operators subject to the RCRA rules must obtain a USEPA identification number from USEPA (Section 725.111).

Source Note: 5 Ill. Reg. 9781, October 2, 1981; effective as noted in §700.106; amended 5 Ill. Reg. unless otherwise indicated.

Section 700.502 Operating Requirements

- a) Owners and operators who are subject to RCRA operating requirements (Part 725) but not Part III of Chapter 7 shall comply with Part 725. For example, sites conducting open burning of explosive waste are not subject to Chapter 7 operating requirements.
- b) Owners and operators who are subject to the operating requirements of Chapter 7, Part III, but not Part 725,

shall comply only with Chapter 7, Part III. For example, landfills need comply only with Chapter 7 if they accept only garbage and special waste ~~{as-defined-in-Chapter-9}~~ which is not hazardous ~~{as-defined-in-the-RCRA-rules}~~.

c) Owners and operators subject both to the operating requirements of Part 725 and Part III of Chapter 7 must comply with both. However, in the event of conflict, Part 725 controls.

d) Subpart A contains rules on application of other Board chapters.

~~e)---As-used-in-this-section,operating-requirements-do-not include-rules-relating-to-manifests.~~

Source Note: 5 Ill. Reg. 9781, October 2, 1981; effective as noted in §700.106; amended 5 Ill. Reg. unless otherwise indicated.

Section 700.503 Manifests

a) The HWM owner or operator must forward a copy of manifests to the Agency in addition to the actions which would be required under 40 CFR Part 265 (Section 725.171).

~~b)---For-waste-which-is-subject-to-Chapter-9-but-not-the-RCRA rules,the-owner-or-operator-need-comply-only-with-the Chapter-9-manifest-rules,---For-waste-which-is-subject-to both-the-Chapter-9-and-RCRA-rules,the-owner-or-operator shall-comply-with-the-manifest-requirements-of-Part-725, Subpart-E,---This-is-deemed-compliance-with-the-requirements of-Rule-302-of-Chapter-9.~~

~~Comment:--It is recommended that the owner or operator comply with §725.176, unmanifested waste report, regardless of whether the waste is unmanifested because it is claimed to be exempt under the RCRA rules or Chapter 9. The owner or operator should request a certification from the generator or transporter before accepting unmanifested waste claimed to be exempt under the 100-kg exemption of Rule 210.~~

Section 700.504 Small Quantity Exemptions

Small quantity exemptions are not generally directly applicable to owners and operators. Chapter 7 prohibits landfilling of hazardous waste in any quantity without a proper permit (Rule 310).

Comment: The owner or operator should complete an unmanifested waste report for waste which is received without a manifest regardless of whether exemption is claimed under ~~Chapter-9~~ Part 706 or the RCRA rules. The owner or operator should request a certification pursuant to §725.176 for waste which is claimed to be exempt under ~~Chapter-9~~ Part 706.

Source Note: 5 Ill. Reg. 9781, October 2, 1981; effective as noted in §700.106; amended 5 Ill. Reg. unless otherwise indicated.

~~SUBPART-F--HAZARDOUS-HOSPITAL-WASTE~~

(Move entire subpart to Subpart A of Part 736)

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 706: SPECIAL WASTE HAULING REGULATIONS

SUBPART A: INTRODUCTION

Section 706.100 Scope
Section 706.101 Authority, Policy and Purposes
Section 706.102 Severability
Section 706.103 Spill Episodes
Section 706.104 Effective Dates

SUBPART B: DEFINITIONS

Section 706.200 Definitions

SUBPART C: SPECIAL WASTE HAULING PERMITS

Section 706.301 Special Waste Hauling Permits - General
Section 706.302 Applications for Special Waste Hauling
Permit - Contents
Section 706.303 Applications for Special Waste Hauling
Permit - Signatures and Authorization
Section 706.304 Applications for Special Waste Hauling
Permit - Filing and Final Action by the
Agency
Section 706.305 Special Waste Hauling Permit Conditions
Section 706.306 Special Waste Hauling Permit Revision
Section 706.307 Transfer of Special Waste Hauling Permits
Section 706.308 Special Waste Hauling Permit Revocation
Section 706.309 Permit No Defense
Section 706.310 General Exemption from Special Hauling
Permit Requirements
Section 706.311 Exemptions for Special Waste Haulers
Section 706.312 Duration of Special Waste Hauler Permits
and Tank Numbers
Section 706.313 Supplemental Chapter 7 Permits

SUBPART D: VEHICLE NUMBERS AND SPECIAL WASTE SYMBOLS

Section 706.401 Vehicle Numbers
Section 706.402 Special Waste Symbols

SUBPART E: QUARTERLY REPORTS

Section 706.501	Scope
Section 706.502	Purpose
Section 706.510	Unmanifested Special Waste
Section 706.520	Quarterly Reports
Section 706.521	Contents of Quarterly Report

PART 706: SPECIAL WASTE HAULING REGULATIONS

SUBPART A: INTRODUCTION

Section 706.100 Scope

- a) This Part establishes a permit program for persons hauling special waste, which includes industrial process waste and pollution control waste as well as hazardous waste.
- b) Subpart B contains definitions.
- c) Subpart C contains rules relating to permits, exemptions, applications and conditions.
- d) Subpart D contains rules on display of vehicle numbers and symbols.
- e) Subpart E requires quarterly reporting of unmanifested special waste.

~~ILLINOIS-POLLUTION-CONTROL-BOARD~~

~~RULES-AND-REGULATIONS~~

~~CHAPTER-9:--SPECIAL-WASTE-HAULING-REGULATIONS~~

~~PART-1:--INTRODUCTION~~

Section 706.101 Authority, Policy and Purposes (R. 101)

Pursuant to the authority contained in Sections 5, 10, 13 and 22 of the Environmental Protection Act, and consistent with the policy and purposes expressed in Section 20 thereof, the Board adopts ~~the following Rules and Regulations~~ Part 706.

These rules prescribe the procedures for issuance of permits to special waste haulers; 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 these regulations to control only wastes as defined herein.

Section 706.102 Severability (R. 102)

If any provision of ~~these rules or regulations~~ Part 706 is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this ~~Chapter~~ Part as a whole, or of any other part, sub-part, sentence or clause thereof not adjudged invalid.

Section 706.103 Spill Episodes (R. 701)

In order to facilitate the clean-up, transportation or safe treatment, storage or disposal of any waste generated by an accidental release of any material or special waste within Illinois which constitutes a present or potential threat to health or to the environment, the Agency may give written exception from the procedural requirements of Part 706 and Chapter 7 in accordance with guidelines adopted by the Agency which are consistent with Section 3003 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) and the Act and Board regulations. The existence of a written exception from the Agency under this Section shall not constitute a defense to a violation of the Act or of this Part except for those requirements specifically stated in the written exception.

Section 706.104 Effectives Dates (reserved) (R. 801)

SUBPART B: DEFINITIONS

Section 706.200 Definitions (R. 103)

"ACT" means the Illinois Environmental Protection Act.

"AGENCY" means the Illinois Environmental Protection Agency.

"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. (See "Waste," "Special Waste").

"GARBAGE" is waste resulting from the handling, processing, storage and sale of produce (see "Waste").

"HAZARDOUS WASTE" means a ~~waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristic 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 Resource Conservation and Recovery Act of 1976, 42 U.S.C. par. 6901 et seq., or pursuant to Agency guidelines consistent with the requirements of the Act and Board regulations.~~ material which is subject to regulation pursuant to Part 721, in particular pursuant to §721.103, together with such other exclusions or exemptions as may be contained in Part 721.

"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~~ hazardous hospital waste as defined in Part 736 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. "Industrial Process Waste" does not include any waste which is hazardous.

~~"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-Chapter-or-by-the-Resource-Conservation-and-Recovery-Act-of-1976,-42-U.S.C.-, par.-6901-et-seq.-, or regulations-thereunder~~ is as defined in Part 720.

"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 which has either or both of the following permits, as may be required: a) a current, valid operating permit issued by the Agency under Part II of Chapter 7, specifically permitting the site to accept a special waste tendered for disposal; and/or, b) a RCRA permit issued by the Agency or deemed issued by Board regulation.

"PERMITTED STORAGE SITE" means any site used for the interim containment of special waste prior to disposal or treatment which has either or both of the following permits, as may be required: a) a current, valid operating permit issued by the Agency under Part II of Chapter 7 and a supplemental permit issued by the Agency under Part II of Chapter 7, specifically permitting the site to accept a special waste tendered for storage; and/or b) a RCRA permit issued by the Agency or deemed issued by rule.

"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 which has either or both of the following permits, as may be required: a) a current, valid operating permit issued by the Agency under Part II of Chapter 7 and a supplemental permit issued by the Agency under Part II of Chapter 7, specifically permitting the site to accept a special waste tendered for treatment; and/or

b) a RCRA permit issued by the Agency or deemed issued by rule.

"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.

"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, bag-house dusts, scrubber sludges and chemical spill cleanings.

"Pollution Control Waste" does not include any waste which is hazardous.

"RCRA PERMIT" [See Act §3(qq) and 21(f)]

"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 Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 211-229 and 230.1-230-14 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 used for collection, storage, disposal or treatment of special waste.

"SOLID WASTE" (see "Waste").

"SPECIAL WASTE" means any hazardous waste," "industrial process waste" or "pollution control waste."

"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. "Treatment" also includes reclamation, re-use and recycling of special waste.

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

"TRUCK TRACTOR" means any motor vehicle used to transport special waste which is designed and used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"VEHICLE" means any device used to transport special waste in bulk or in packages, tanks or other containers.

"WASTE" means any garbage, refuse, 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. "Waste" as here defined does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or in industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C., par. 1251 et seq.; or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, 42 U.S.C., par. 2011 et seq.; or radioactive materials discarded in accordance with the provisions of "Illinois Revised Statutes, 1977, Chapter 111 1/2, par. 230.1 et seq." approved August 16, 1963, as now or hereafter amended, and as authorized by regulations promulgated pursuant to the "Radiation Protection Act," Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 211 et seq.; as now or hereafter amended. "Waste" as here defined is intended to be consistent with the definition of "solid waste" set forth in Section 721. and in Section 1004(27) of Resource Conservation and Recovery Act of 1976, 42 U.S.C., par. 6901 et seq.

SUBPART C: SPECIAL WASTE HAULING PERMITS

Section 706.301 Special Waste Hauling Permits - General (R. 201)

No person shall haul or otherwise transport any special waste generated within Illinois or any special waste to be disposed of, stored or treated within Illinois without a current, valid waste hauling permit issued by the Agency in accordance with the requirements of this Part unless the hauler is exempt from the special waste hauling permit requirements under this Part.

Section 706.302 Applications for Special Waste Hauling Permit
- Contents (R. 202)

Applications for special waste hauling permits shall be made on application forms prescribed by the Agency which as a minimum shall require the following information:

- a) Name, address, telephone number and location of the vehicle owner and operator applying for the permit.
- b) A description of the service to be provided, including the number and types of vehicles and tanks to be used.
- c) An agreement by the vehicle owner and that operator identified in Rule 202(a) that:
 - 1) Special waste loading, hauling and unloading will be conducted in compliance with all applicable state and federal laws and regulations.
 - 2) All vehicles and tanks used in special waste hauling will be clean and in good repair at all times when so employed.

- 3) All vehicles, tanks and associated piping, valving, etc. will be constructed and maintained to prevent leakage or spillage, and shall be cleanable
 - 4) No waste shall be mixed with other wastes in one tank or on one vehicle if such mixture results in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas or in violation of any applicable state or federal law and regulation.
 - 5) The special waste hauling equipment and procedures to be used shall be proper for the permitted service, be safe for the haulers, handlers, and others, and meet the requirements of all other applicable state and federal laws and regulations.
- d) The application may require additional information deemed necessary by the Agency consistent with the requirements of the Act and Board regulations and filed with the Index Division of the Office of the Secretary of State pursuant to "Illinois Administrative Procedure Act," Ill. Rev. Stat., 1977, Ch. 127, par. 1001 et seq.

Section 706.303 Applications for Special Waste Hauling Permit -
Signatures and Authorization (R. 203)

All special waste hauling permit applications shall be signed by the owner and operator of the vehicle; or, in the name of the owner and operator, by the owner's and operator's duly authorized agent when accompanied by evidence of authority to sign the application.

Section 706.304 Applications for Special Waste Hauling Permit -
Filing and Final Action by the Agency (R. 204)

- a) An application for special waste hauling permit shall be deemed to be filed on the date of initial receipt by the Agency of a properly completed application on the form prescribed.
- b) If the Agency fails to take final action (which includes granting or denying the special waste hauling permit as requested, or by granting the special waste hauling permit with conditions) within 90 days from the filing of the completed application, the applicant may deem the special waste hauling permit granted for a period of one calendar year commencing on the 91st day after the application was files.
- c) The Agency shall send all notices of final action by U.S. Registered or Certified Mail, Return Receipt Requested. The Agency shall be deemed to have taken final action on on the date that the notice of final action is mailed.
- d) The Agency shall require the application to be complete and consistent with the provisions of the Act and Board regulations and 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 the granting thereof will not cause a violation of the Act or Board regulations, the Agency shall grant the permit.

Section 706.305 Special Waste Hauling Permit Conditions (R. 205)

- a) In granting special waste hauling permits hereunder, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and the Board regulations.
- b) The applicant may deem any conditions imposed by the Agency as a denial of the special waste hauling permit for purposes of review pursuant to Section 40 of the Act.

Section 706.306 Special Waste Hauling Permit Revision (R. 206)

~~A special waste hauling permit issued hereunder is automatically modified to include any relevant change in the Act or Board regulations.~~ The Agency shall revise any special waste hauling permit issued by the Agency under this Part to make the permit compatible with any such relevant changes in the Act or Board regulations and so notify the permittee. Failure of the Agency to issue a revised permit shall not excuse the permittee from compliance with any such change.

Section 706.307 Transfer of Special Waste Hauling Permits (R. 207)

No special waste hauling permit is transferable from one person to another. A special waste hauling permit is personal to the persons named in the special waste hauling permit.

Section 706.308 Special Waste Hauling Permit Revocation (R. 208)

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

Section 706.309 Permit No Defense (R. 209)

The existence of a special waste hauling permit under these rules shall not provide the permittee with a defense to a violation of the Act or Board regulations, except for hauling special waste without a special waste hauling permit.

Section 706.310 General Exemption from Special Hauling Permit Requirements (R. 210)

Any person who generates a total quantity of special waste ~~220-pounds-(100-kilograms)~~ 100 kilograms (220 pounds) or less in any calendar month for disposal, storage or treatment within Illinois is exempt from the permit requirements of this Part ~~and-from-the-manifest-provisions-in-Part-V-of-this-Chapter.~~ This exemption shall not constitute a defense to a violation of any provision of the Act or any applicable disposal, storage or treatment requirement of Chapter 7 or this Subtitle.

Section 706.311 Exemptions for Special Waste Haulers (R. 211)

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act, Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 116.301 et seq., and who hauls only septic tank pumpings, need not obtain a special waste hauling permit ~~or carry-and-complete-a-manifest-under-this-Chapter.~~
- b) Any person who hauls only livestock waste intended for land application pursuant to Agency Guideline WPC-2 need not obtain a special waste hauling permit ~~or-carry-and-complete-a-manifest-under-this-Chapter.~~

- c) Generators and haulers of municipal water or wastewater treatment plant sludge which is to be applied to land and which is to be regulated under Chapter 3 pursuant to a sludge management scheme approved by the Agency need not obtain a special waste hauling permit ~~or-prepare,-carry and-complete-a-manifest-under-this-Chapter~~ for that sludge.
- d) Any person licensed in accordance with "An Act in relation to the Disposal of Dead Animals," Ill. Rev. Stat., 1977, Ch. 8, par. 149.1 et seq., and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer, need not obtain a special waste hauling permit ~~or-carry-and-complete-a-manifest-under-this Chapter.~~
- 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," Ill. Rev. Stat., 1977, Ch. 96 1/2, par. 5401 et seq., and who hauls only oil and gas extraction wastes as defined therein need not obtain a special waste hauling permit ~~or-carry-and-complete a-manifest-under-this-Chapter.~~
- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act, Ill. Rev. Stat., 1977, Ch. 111 1/2, par. 211 et seq., need not obtain a special waste hauling permit ~~or-carry-and-complete-a-manifest-under this-Chapter.~~

- 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 need not obtain a special waste hauling permit ~~or carry and complete a manifest under this Chapter.~~
- h) Any person who hauls only coal combustion fly ash need not obtain a special waste hauling permit ~~or carry and complete a manifest under this Chapter.~~

Section 706.312 Duration of Special Waste Hauler Permits and Tank Numbers (R. 601)

- a) All permits and tank numbers issued hereunder shall be issued for a period not to exceed one year and are renewable.
- b) Applications for renewal of a special waste hauler permit shall be made 90 days prior to the expiration date of the permit on the application forms prescribed in Section 706.302.

~~PART-III:--DELIVERY-OF-SPECIAL-WASTE-TO,
AND-ACCEPTANCE-OF-SPECIAL-WASTE-FROM,
SPECIAL-WASTE-HAULERS-~~

~~301--Requirements-for-Delivery-of-Special-Waste-to-Haulers
No-person-shall-delivery-any-special-waste-generated-within
Illinois-or-for-disposal,-storage-or-treatment-within-Illinois
unless-that-person-concurrently-delivers-a-manifest-completed
in-accordance-with-Part-V-of-this-Chapter-to-a-special-waste
hauler-who-holds-a-current,-valid-special-waste-hauling-permit
issued-by-the-Agency-under-Part-II-of-this-Chapter-~~

~~302--Requirements-for-Acceptance-of-Special-Waste-from-Haulers~~

~~a) No person shall accept any special waste for disposal,
storage or treatment within Illinois from a special waste
hauler unless the special waste hauler has a valid special
waste hauling permit issued by the Agency under Part II
of this Chapter and concurrently presents to the receiver
of the special waste, or his agent, a completed, signed
manifest as required by Part V of this Chapter, which
manifest designates the receiver's facility as the destina-
tion for the special waste.~~

Section 706.313 Supplemental Chapter 7 Permits (R. 301 B)

No person 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 Chapter 7, as well as all other applicable permits as required by the Act and Board regulations.

SUBPART D: VEHICLE NUMBERS AND SPECIAL WASTE SYMBOLS

~~PART-IV:--VEHICLE-NUMBERS-AND-SPECIAL-WASTE-SYMBOLS~~

Section 706.401 Vehicle Numbers (R. 401)

Upon issuance of a special waste hauling permit, the owner and operator of any vehicle used to transport special waste except truck tractors as defined in Part I shall display a number issued by the Agency on opposite sides of the permitted vehicle following the words, "Licensed Special Waste Hauler: (number)." Numbers and letters shall not be less than two inches high and

shall be removable only by destruction. Directly adjacent to said words and number, the vehicle owner and operator shall display a seal furnished by the Agency which shall designate the date on which the permit was issued.

Section 706.402 Special Waste Symbols (R. 402)

All vehicles used to transport special waste and packages used to contain special waste shall be labeled, marked and placarded in accordance with regulations adopted by the Illinois Department of Transportation or the United States Department of Transportation or the United States Environmental Protection Agency, whichever has jurisdiction. This rule is provided for informational purposes only, and does not constitute an independently enforceable regulation with respect to labeling, marking and placarding requirements.

~~PART-V---MANIFESTS,--RECORDS,--ACCESS~~

~~TO-RECORDS-AND-REPORTING~~

~~501--Manifests,--Records,--Access-to-Records-and-Reporting~~

~~Requirements~~

~~A.---Any-person-who-delivers-special-waste-to-a-permitted-special waste-hauler-shall-complete-a-manifest-to-accompany-the special-waste-from-delivery-to-the-destination-of-the-special waste.---The-manifest-which-shall-be-provided-or-prescribed by-the-Agency-shall,--as-a-minimum,--contain-the-name-of-the generator-of-the-special-waste,--when-and-where-generated, name-of-the-person-from-whom-delivery-is-accepted-and-the~~

name-of-the-site-from-which-delivered,-the-name-of-the special-waste-hauler,-the-date-of-delivery,-the-final-disposal,-storage-or-treatment-site,-and-the-name-and-quantity of-the-special-waste-delivered-to-the-hauler.

- B. The-manifest-shall-be-signed-by-the-person-who-delivers special-waste-to-a-special-waste-hauler,-such-signature acknowledging-such-delivery.--The-manifest-shall-also-be signed-by-the-special-waste-hauler,-such-signature-acknowledging-receipt-of-the-special-waste.--The-person-who delivers-special-waste-to-a-special-waste-hauler-shall send-one-copy-of-the-manifest-signed-by-the-deliverer-and the-special-waste-hauler-to-the-Agency-within-two-working days-and-shall-retain-one-copy-as-a-record.--The-remaining four-copies-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-hauler,-such-signature-acknowledging-acceptance-of-the-special-waste.
- C. A-permitted-site-which-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-hauler-shall-be-conducted-under a-manifest-initiated-by-the-permitted-disposal,-storage-or treatment-site.

- D. In all cases, the special waste hauler shall deliver three copies of the complete, signed manifest to the person who accepts delivery of special waste from the hauler. The special waste hauler shall retain one copy of the completed, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or such longer period of time 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 hauler shall submit a copy of each completed, signed manifest received during that period to the Agency, and shall send one copy of the completed manifest to the person who delivered the special waste to the special waste hauler.
- E. Every person who delivers special waste to a special waste hauler, every person who accepts special waste from a special waste hauler and every special waste hauler shall retain a copy of the special waste manifest as a record of all special waste transactions. These copies shall be retained for three years and shall be made available at reasonable times for inspection and photocopying by the Agency.

PART VI. DURATION OF SPECIAL WASTE

HAULER PERMITS AND TANK NUMBERS

601 Duration of Special Waste Hauler Permits and Tank Numbers

A. All permits and tank numbers issued hereunder shall be issued for a period not to exceed one year and are renewable.

B.---Applications-for-renewal-of-a-special-waste-hauler-permit shall-be-made-90-days-prior-to-the-expiration-date-of-the permit-on-the-application-forms-prescribed-in-Rule-202-of this-Chapter.

602---Temporary-Rule-on-Duration-of-Permits-and-Numbers-
EMERGENCY

A.---The-Agency-may-be-let-ter-postpone-the-expiration-date-of permits-and-tank-or-vehicle-numbers-issued-prior-to-the effective-date-of-this-Rule.---Such-letter-shall-be-addressed to-the-permittee-and-shall-indicate-a-new-expiration-date.
(1)---Permits-and-numbers-issued-on-or-before-September-30, 1979-shall-expire-no-later-than-September-30, 1980.
(2)---Permits-and-numbers-issued-after-September-30, 1979 but-prior-to-the-effective-date-of-this-Rule-shall expire-no-later-than-September-30, 1981.

B.---Permits-and-tank-or-vehicle-numbers-issued-on-or-after-the effective-date-of-this-Rule-but-before-September-30, 1980 shall-expire-no-later-than-September-30, 1981.

C.---This-Rule-shall-apply-to-permits-and-tank-or-vehicle-numbers issued-or-outstanding-during-the-term-of-its-effectiveness, the-one-year-limitation-on-permits-provided-by-Rule-601(A) notwithstanding.

D.---This-Rule-shall-expire-October-1, 1980, provided, however, that-expiration-dates-fixed-or-altered-pursuant-to-this Rule-shall-continue-unaffected-by-such-expiration.

{filed-----, effective-----}

~~PART-VII:--EMERGENCY-CONTINGENCIES-FOR-SPILL-EPIISODES~~

~~701--General-Provision~~

~~In-order-to-facilitate-the-clean-up,-transportation-or-safe treatment,-storage-or-disposal-of-any-waste-generated-by-an accidental-release-of-any-material-or-special-waste-within Illinois-which-constitutes-a-present-or-potential-threat-to health-or-to-the-environment,-the-Agency-may-give-written exception-from-the-procedural-requirements-of-this-Chapter-and Chapter-7-in-accordance-with-guidelines-adopted-by-the-Agency which-are-consistent-with-Section-3003-of-the-Resource-Conservation-and-Recovery-Act-of-1976-(P.L.-94-580)-and-the-Act-and Board-regulations.--The-existence-of-a-written-exception-from this-Agency-under-this-Part-shall-not-constitute-a-defense-to a-violation-of-the-Act-or-of-this-Chapter-except-for-those requirements-specifically-stated-in-the-written-exception.~~

~~PART-VIII:--EFFECTIVE-DATE~~

~~801--Except-as-otherwise-provided-in-this-Part-VIII,-any-person subject-to-the-provisions-of-this-Chapter-shall-comply-with-such provisions-on-and-after-the-effective-date-of-this-Chapter.~~

~~802--Every-person-subject-to-the-provisions-of-Rule-201,-301,- 302,-401,-402-and-501-shall-comply-with-such-rules-120-days after-the-effective-date-of-this-Chapter.~~

SUBPART E: QUARTERLY REPORTS

Section 706.501 Scope

This Subpart applies to permitted special waste haulers.

Section 706.502 Purpose

The purpose of this Subpart is to require quarterly reports of non-hazardous special waste movements. It is intended to provide the Agency with the same information as the hazardous waste manifest system concerning the origin, destination and quantities of industrial process waste and pollution control waste. To avoid double counting, quarterly reports are not required for any waste which was manifested, even if the waste was special waste not required to have a manifest.

Section 706.510 Unmanifested Special Waste

As used in this Subpart, "Unmanifested Special Waste" shall mean special waste which was actually transported without a manifest required under Parts 722 - 725. Because these parts apply only to hazardous waste, this generally means industrial process waste and pollution control waste. However, the term also includes any hazardous waste which was transported without a manifest and excludes any non-hazardous special waste which was transported with a manifest.

Section 706.520 Quarterly Reports

Each permitted special waste hauler shall file a quarterly report at such time as is specified in its permit.

Section 706.521 Contents of Quarterly Report

- a. The quarterly report shall be in such form as may be prescribed by the Agency.
- b. The quarterly report shall include the following information:
 1. Names of persons who delivered unmanifested special waste to the hauler;
 2. Names of persons to whom the hauler delivered unmanifested special waste;
 3. Quantities of unmanifested special waste by type of waste, generator and disposer.

PART 721: IDENTIFICATION AND LISTING
OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section 721.105 Special Requirements for Hazardous Waste
Generated by Small Quantity Generators

- a) A generator is a small quantity generator in a calendar month if he generates less than ~~1000~~ 100 kilograms of hazardous waste in that month. ~~Part-700-explains-the relation-of-this-to-the-100-kg/mo.-exception-of-Chapter-9.~~
- b) Except for those wastes identified in paragraphs (e) and (f) of this section, a small quantity generator's hazardous wastes are not subject to regulation under Parts 722 through 725 and 40 CFR Parts 122 and 124, and the notification requirements of Section 3010 of RCRA, provided the generator complies with the requirements of paragraph (g) of this section.
- c) Hazardous waste that is beneficially used or re-used or legitimately recycled or reclaimed and that is excluded from regulation by §721.106(a) is not included in the quantity determinations of this section, and is not subject to any requirements of this section. Hazardous waste that is subject to the special requirements of §721.106(b) is included in the quantity determinations of this section and is subject to the requirements of this section.
- d) In determining the quantity of hazardous waste he generates, a generator need not include:

- 1) His hazardous waste when it is removed from on-site storage; or
 - 2) Hazardous waste produced by on-site treatment of his hazardous waste.
- e) If a small quantity generator generates acutely hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acutely hazardous waste are subject to regulation under Parts 722 through 725 and 40 CFR Parts 122 and 124, and the notification requirements of Section 3010 of RCRA:
- 1) A total of one kilogram of commercial chemical products and manufacturing chemical intermediates having the generic names listed in §721.133(e), and off-specification commercial chemical products and manufacturing chemical intermediates which, if they met specifications, would have the generic names listed in §721.133(e); or
 - 2) A total of 100 kilograms of any residue or contaminated soil, water or other debris resulting from the clean-up of a spill, into or on any land or water, of any commercial chemical products or manufacturing chemical intermediates having the generic names listed in §721.133(e), or 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 off-specification commercial chemical products or manufacturing

chemical intermediates which, if they met specifications, would have the generic names listed in §721.133(e).

- f) A small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time more than a total of ~~1000~~ 100 kilograms of his hazardous waste, or his acutely hazardous wastes in quantities greater than set forth in paragraphs (e)(1) or (e)(2) of this section, all of those accumulated wastes for which the accumulation limit was exceeded are subject to regulation under Parts 722 through 725 and 40 CFR Parts 122 and 124, and the notification requirements of Section 3010 of RCRA. The time period of §722.134 for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed the applicable exclusion level.
- g) In order for hazardous waste generated by a small quantity generator to be excluded from full regulation under this section, the generator must:
- 1) Comply with §722.111;
 - 2) If he stores his hazardous waste on-site, store it in compliance with the requirements of paragraph (f) of this section; and
 - 3) Either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which is:
 - A) Permitted under 40 CFR Part 122;

- B) In interim status under Part 725 and 40 CFR Part 122;
- C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR Part 123;
- D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
- E) A facility which:
 - i) Beneficially uses or re-uses, or legitimately recycles or reclaims his waste; or
 - ii) Treats his waste prior to beneficial use or re-use, or legitimate recycling or reclamation.
- h) Hazardous waste subject to the reduced requirements of this section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.
- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this section, the mixture is subject to full regulation.

Source Note: 5 Ill. Reg. 9781, October 2, 1981; effective as provided in §700.106; amended 5 Ill. Reg. unless otherwise indicated.

SUBPART E: LISTS OF ADDITIONAL HAZARDOUS WASTES

Section 721.200 General

This Subpart contains lists of hazardous wastes which are not listed hazardous wastes under 40 CFR Part 261.

Section 721.203 Additional Acute Hazardous Wastes

The following are identified as acute hazardous waste and are added to the "P list" of Section 721.133(e):

Hazardous Waste No.Substance

P900Polychlorinated biphenyls

PART 722: STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART B: THE MANIFEST

Section 722.122 Number of Copies

The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator, and copies to be sent to the Agency by the generator and by the HWM owner or operator.

Source Note: 5 Ill. Reg. 9781, October 2, 1981;
effective as noted in §700.106; amended 5 Ill. Reg.
unless otherwise indicated.

Section 722.123 Use of the Manifest

- a) The generator must:
 - 1) Sign the manifest certification by hand; and
 - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - 3) Retain one copy, in accordance with §722.140(a); and
 - 4) Send one copy of the manifest to the Agency within two working days.
- b) The generator must give the transporter the remaining copies of the manifest.
- c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in

accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

- d) For rail shipments of hazardous waste within the United States which 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:
- 1) The next non-rail transporter, if any; or
 - 2) The designated facility if transported solely by rail; or
 - 3) The last rail transporter to handle the waste in the United States if exported by rail.

Note. -- See §723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

Source Note: 5 Ill. Reg. 9781, October 2, 1981; effective as noted in §700.106; amended 5 Ill. Reg. unless otherwise indicated.

SUBPART D: RECORDKEEPING AND REPORTING

Section 722.141 Annual Reporting

a)---A-generator-who-ships-his-hazardous-waste-off-site-must
submit-Annual-Reports;

1)---On-EPA-forms-8700-13-and-8700-13A-according-to-the
instructions-on-the-form-(See-the-Appendix-to-this
Part);

2)---To-the-Director;--

3)---No-later-than-March-1-for-the-preceding-calendar-year;

b)---Any-generator-who-treats,-stores,-or-disposes-of-hazardous
waste-on-site-must-submit-an-Annual-Report-covering-these
wastes-in-accordance-with-the-provisions-of-Parts-724-and
725-and-40-CFR-Part-122-and-266;

Annual reports are not required of Illinois generators.

PART 725: INTERIM STATUS STANDARDS FOR OWNERS
AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.171 Use of Manifest System

- a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator or his agent must:
 - 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
 - 2) Note any significant discrepancies in the manifest [as defined in §725.172(a)] on each copy of the manifest;

Comment: The Board does not intend that the owner or operator of a facility whose procedures under §725.113(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the transporter at least one copy of the signed manifest;
 - 4) Within 30 days after the delivery, send a copy of the manifest to the generator and to the Agency; and
 - 5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.
- b) If a facility receives from a rail or motor (bulk shipment) transporter hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers,

generator's certification and signatures) the owner or operator or his agent must:

- 1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;
- 2) Note any significant discrepancies [as defined in §725.172(a)] in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

Comment: The Board does not intend that the owner or operator of a facility whose procedures under §725.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);
- 4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator and to the Agency; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

Comment: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at

the time of delivery) for at least three years from the date of delivery.

- c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of Part 722.

Comment: The provisions of §722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of §722.134 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

Source Note: 5 Ill. Reg. 9781, October 2, 1981; effective as noted in §700.106; amended 5 Ill. Reg. unless otherwise indicated.

Section 725.175 Annual Report

The owner or operator must prepare and submit a single copy of an annual report to the Director by March 1 of each year. The report form and instructions in Appendix II must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

- a) The EPA identification number, name and address of the facility;
- b) The calendar year covered by the report;
- c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities this information must be listed by EPA identification number of each generator;
- e) The method of treatment, storage or disposal for each hazardous waste;
- f) Monitoring data under §725.194(a)(2)(B) and (C) and (b)(2) where required;

~~g)---The-most-recent-closure-cost-estimate-under-\$725,242-and
for-disposal-facilities-the-most-recent-post-closure-cost
estimate-under-\$725,244,-and~~

~~h)---The-certification-signed-by-the-owner-or-operator-of-the
facility-or-his-authorized-representative-~~

Annual reports are not required of Illinois HWM owners or
operators.

PART 736: INFECTIOUS HOSPITAL WASTE

SUBPART A: GENERAL

Section 736.100 Scope

- a) This part requires that hazardous (infectious) hospital waste either be incinerated or sterilized prior to land-filling.
- b) This subpart contains rules explaining the relationship of this part to special waste transportation permits of Part 706 to the general waste rules of Chapter 7 and to the hazardous waste regulations of Parts 721-725.
- c) Subpart B contains definitions.
- d) Subpart C contains rules on methods of sterilization and incineration. Air pollution permits are required of incinerators.

Section 736.101 Hazardous (Infectious) Hospital Waste

- a) "Hazardous (infectious) hospital waste" is defined in §3 of the Act and §736.200. The definition of "hazardous" found in Part 721 is not intended to be read with this definition. "Hazardous (infectious) hospital waste" is not necessarily a "hazardous" waste subject to the RCRA rules (Parts 720-725). However, it may be RCRA "hazardous". The applicability of the RCRA rules is determined by the language found there.
- b) Hazardous (infectious) hospital waste is a special waste within the meaning of Part 706. Special waste transportation permits are required.

Section 736.102 General Rule

A person who is subject to Part 736 but not the RCRA rules shall comply with Part 736 but not the RCRA rules. A person who is subject to both Part 736 and the RCRA rules shall comply with both. However, in the event of conflict, the RCRA rules control, except that hazardous (infectious) hospital waste cannot be landfilled.

Section 736.103 Generators

A person who generates hazardous (infectious) hospital waste which is also hazardous under the RCRA rules must comply with the applicable requirements, including:

- a) USEPA identification numbers (§722.112);
- b) Manifest requirements (§722.120).

Section 736.104 Transporters

A person who transports hazardous (infectious) hospital waste must have a Part 706 Special Waste Transporter Permit. If it is also RCRA hazardous, a USEPA identification number is required (§723.111). Transportation requires a manifest only if the waste is RCRA hazardous (§723.120).

Section 726.105 Owners and Operators

- a) A person who renders innocuous hazardous (infectious) hospital waste which is also RCRA hazardous is an HWM owner or operator who is subject to Part 725. This is true even if the treatment is ineffective against the RCRA hazardous component. For example, an owner or operator

who sterilizes infectious waste which is RCRA hazardous only because of a toxic component unaltered by sterilization is treating hazardous waste (§720.110 and §725.101).

- b) A person who renders hazardous (infectious) hospital waste innocuous by incineration is subject to an incinerator permit requirement (Rule 103 of Chapter 2, §700.102 and §736.304).
- c) A person who renders innocuous hazardous (infectious) hospital waste may become a hazardous, or special, waste generator if he initiates a shipment of innocuous waste which is hazardous under the RCRA rules, or special under Part 706 [§3 of the Act, §706.200 and §722.101(f)]. For example, an infectious waste which has been sterilized but which also contains a toxic component would require a manifest if shipped for further treatment or disposal.
- d) Innocuous waste which is not hazardous may be landfilled only in facilities which have a Chapter 7 permit.
- e) Hazardous (infectious) hospital waste may not be deposited in landfills [§21(h) of the Act].

Section 736.110 Authority

The hazardous hospital waste regulations are adopted pursuant to Section 21(h) of the Act.

SUBPART B: DEFINITIONS

Section 736.200 Definitions

For the purposes of this subpart:

"HAZARDOUS (INFECTIOUS) HOSPITAL WASTE" means waste which has been generated by a hospital in connection with patient care that is contaminated with or may be contaminated with an infectious agent that has the potential of inducing an infection and which has not been rendered innocuous by sterilization or incineration. More specifically, "HAZARDOUS (INFECTIOUS) HOSPITAL WASTE" means:

- a) medical and patient care items contaminated by, and human excreta produced by, persons who have been placed in strict or enteric isolation for the control and treatment of an infectious disease by the hospital's Infection Control Committee pursuant to the infection control policies and procedures required of it by Section D of Part IX of the Rules of the Illinois Department of Public Health, 5 Ill. Reg. 553 et seq., (1981), as from time to time amended, and
- b) medical and patient care items that are contaminated by or have been in contact with, either the wound or skin of patients who have been placed in wound or skin isolation or strict isolation, or the mucuous or other respiratory fluids of patients who have been placed in respiratory isolation or strict isolation by the hospital's Infection Control Committee pursuant to the infection control policies and procedures required of it by Section D of Part IX of

the Rules of the Illinois Department of Public Health,
5 Ill. Reg. 553 et seq., (1981), as from time to time
amended, and

- c) medical and patient care items contaminated during surgery
when the case is infectious, and
- d) tissues (human or animal), pathological waste, and items
that are contaminated by an infectious agent, and
- e) bacteriological cultures and blood or other excreta that
are products from bacteriological testing, and
- f) any other waste which, because of its infectious nature, is
ordered to receive special handling and disposal by the
hospital's Infection Control Committee pursuant to the
infection control policies and procedures required of it
by Section D "Infectious Control" of Part IX of the Rules
of the Illinois Department of Public Health, 5 Ill. Reg.
553 et seq., (1981), as from time to time amended.

"HOSPITAL" means any institution, place, building, or agency,
public or private, whether organized for profit or not, devoted
primarily to the maintenance and operation of facilities for the
diagnosis and treatment or care of two or more unrelated persons
admitted for overnight stay or longer in order to obtain medical,
including obstetric, psychiatric and nursing, care of illness,
disease, injury, infirmity, or deformity. "HOSPITAL" includes
general and specialized hospitals, tuberculosis sanatoria,
mental or psychiatric hospitals and sanatoria, maternity homes,
lying-in homes, and homes for unwed mothers in which care is

given during delivery. "HOSPITAL" does not include, for example, nursing homes, offices of human or animal health care providers, outpatient clinics, or veterinary hospitals.

"INCINERATION" means the complete reduction of a substance to ashes by means of combustion.

"INNOCUOUS HOSPITAL WASTE" is not a special waste, but for the purposes of this Part ~~IX~~ means any hazardous hospital waste which has been properly sterilized or incinerated so as to render it incapable of causing infection.

"NORMAL HOSPITAL WASTE" is not a special waste, but for the purposes of this Part ~~IX~~ includes, but is not limited to, garbage; refuse, such as packaging materials removed before a product reaches patient care areas; disposable medical and patient care items such as basins and water pitchers which have not come in contact with a patient in isolation; and facial tissue and other patient contact items which have not been generated by a patient in isolation.

"STERILIZATION" means the complete destruction of microorganisms by moist or dry heat or by bactericidal chemical compounds.

SUBPART C: DISPOSAL OF HAZARDOUS HOSPITAL WASTE

Section 736.302 Disposal Methods for Hospital Waste (R. 902)

- a) No person shall cause or allow hazardous (infectious) hospital waste to be deposited in any landfill.
- b) Hazardous (infectious) hospital waste shall be rendered innocuous pursuant to ~~Rules 903 and 904~~, §§736.303 or 736.304, or may be disposed of, where lawful, by deposit into a municipal or private sewerage system.
- c) Innocuous hospital waste and normal hospital waste may be disposed of by any lawful means, including incineration in any incinerator appropriate for such waste and for which the Agency has issued a permit, by deposit in any sanitary landfill or by deposit into a municipal or private sewerage system.

Section 736.303 Rendering Hazardous (Infectious) Hospital Waste
Innocuous by Sterilization (R. 903)

Any hazardous (infectious) hospital waste may be rendered an innocuous hospital waste by:

- a) Sterilization of the waste in an autoclave, provided that the unit is operated in accordance with the manufacturer's recommendations and the autoclave's effectiveness is verified at least weekly with a biological spore assay containing *B. stearothermophilus*, or
- b) Sterilization of the waste in a commercial ethylene oxide unit that provides controlled temperature and humidity

conditions, provided that the unit is operated in accordance with the manufacturer's recommendations and the unit's effectiveness is verified during each use with a biological spore assay containing *B. subtilis*.

Section 736.304 Rendering Hazardous (Infectious) Hospital
Waste Innocuous by Incineration (R. 904)

- a) Any hazardous (infectious) hospital waste may be rendered an innocuous hospital waste by incineration provided that:
 - 1) The combustion apparatus is an incinerator designed to destroy the type or class of waste introduced into it, and is operated according to the manufacturer's instructions, and
 - 2) All permits required by Chapter 2 have been obtained from the Agency, and the conditions of those permits have been met.
- b) The ash produced by the incineration of hazardous (infectious) hospital waste shall be disposed of as required by ~~the Rules of this Chapter~~ Part 706 and Chapter 7 for disposal of any other incinerator ash.

Section 736.305 Recordkeeping Requirements for Generators of
Hazardous (Infectious) Hospital Waste (R. 905)

- a) Generators of hazardous (infectious) hospital waste who render such waste into innocuous hospital waste shall keep and make reasonably available for Agency inspection:
 - 1) Records of any required biological spore assay tests.

- 2) Records describing the approximate amount of waste sterilized or incinerated.
 - 3) Records which demonstrate proper operation of the sterilization or incineration equipment (such as time and temperature maintenance for each load).
- b) The requirements of ~~Rule-905(a)~~ subsection (a) may be satisfied by maintenance of the records in the form required to be kept by any hospital licensing or accreditation body, provided that such records include information sufficient to comply with subsection (a).

Section 736.306 Defense to Enforcement Action (R. 906)

Reasonable reliance on a waste generator's identification of waste as innocuous or normal hospital waste shall be a complete defense to an enforcement action against a person other than the waste generator for violation of ~~Rule-902(a)~~ \$736.302(a).