

ILLINOIS POLLUTION CONTROL BOARD  
August 10, 1989

IN THE MATTER OF: )  
 )  
IDENR SPECIAL WASTE ) R89-13 (A)  
CATEGORIZATION STUDY )

PROPOSED RULE.            FIRST NOTICE.

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

INTRODUCTION

This proposal creates 35 Ill. Adm. Code 808 and modifies mainly 35 Ill. Adm. Code 809, and indirectly 35 Ill. Adm. Code 807. Part 807 was adopted as "Chapter VII" in R72-5, July 19 and 31, 1973, 8 PCB 575 and 695. Part 809 was adopted as "Chapter IX" in R76-10, 33 PCB 131, March 15, 1979. Part 807 is the subject of a proposal in R88-7, which is pending. The proposal in this Docket does not assume that certain features of the proposal in R88-7 will be adopted but attempts to be flexible enough to accommodate such features should they be adopted.

CLOSE OF DOCKET R85-27

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By separate Order, the Board has today closed Docket R85-27. After approximately four years of exhibits, hearings and finally the draft regulatory proposal by STS (and including the record from Docket R84-43), R85-27 is no longer the appropriate vehicle for consideration of the Board's proposal. However, the consolidated record of R85-27 is expressly included in this docket.

STATUTORY FRAMEWORK

This rulemaking implements Sections 22.01 and 22.9 of the Act, which were adopted at different times.

Section 22.01 of the Act requires the Board to review and consider the repeal of the manifesting requirement for non-hazardous special waste by December 1, 1989, (35 Ill. Adm. Code 809). However, the Board is to adopt an annual report requirement for non-hazardous special waste.

Section 22.9(a) of the Act requires the Department of Energy and Natural Resources (DENR) to complete a study of the benefits and feasibility of establishing a system of classifying and regulating special wastes according to their degree of hazard by July 1, 1985. Section 22.9(b) requires the Board to adopt regulations that establish standards and criteria for classifying

special wastes according to degree of hazard or an alternative method following completion of the DENR study, but no later than December 1, 1989.

Section 22.9(c) requires the Board to adopt regulations establishing standards and criteria by which the Agency may determine that a waste or class of waste is not a special waste. Section 22.9(d) contains a temporary statutory standard by which the Agency makes this decision pending adoption of Board regulations. Section 22.9(e) provides that, if the Agency fails to act on a determination within 60 days, the requestor may seek review before the Board as if the Agency had denied a permit.

Section 22.9(f) provides that the determination that a waste is not a special waste does not apply to hazardous waste. This precludes the declassification of special wastes which are hazardous wastes (i.e., wastes which are hazardous under RCRA (per Section 22.4(a)) or under independent State law and regulations which are at least as stringent as, and not inconsistent with, RCRA (per Section 22.4(b) and (c)).

#### HISTORY

The protracted history of developments regarding special wastes reflects the interconnection between the perceived need for relief from regulatory requirements (e.g., manifesting) for a potentially significant proportion of the universe of "special waste" as defined by Section 3.45 of the Act, the desire to classify special wastes to assure that their handling is appropriate to their characteristics, the obligation to maintain a State system which is consistent with federal law, including RCRA (see Section 20(a)(7)-(9)), and efforts to update all solid waste rules in R84-17/R88-7.

Sections 22.01 and 22.9 of the Act reflect these diverse concerns. Section 22.01 was added by Public Act 83-1461, effective September 17, 1984. That law was the culmination of compromises which altered the original proposal (HB 3042), which would have immediately required the Board to drop all manifest requirements for non-hazardous special wastes. As enacted, the Board was only required to "review and consider" such action by January 1, 1986.

Section 22.9 traces its roots to a different enactment, Public Act 83-1268, effective January 1, 1985 which required DENR to complete a study of the "benefits and feasibility" of establishing a degree of hazard classification system for special wastes regulation by July 1, 1985 (subsection (a)) and required the Board to promulgate regulations for classifying (subsection (b)) and declassifying (subsection (c)) waste by September 1, 1988. This deadline was subsequently moved back to December 1, 1989 (Public Act 85-1327, eff. August 31, 1988).

In response to the mandate of Section 22.01, the Board opened Docket R84-43 (December 20, 1984), for review and consideration of the manifest requirement. The Board held two inquiry hearings in March of 1985. From the beginning, the Board noted the DENR mandate imposed by 22.9, observing that the DENR study due July 1, 1985 would be the subject of other Board hearings and that this study "will undoubtedly provide a useful data base for consideration in this docket and will be made a part of the record in this proceeding" (Bd. Order, R84-43, December 20, 1984, page 2).

The DENR report was received by the Board on November 21, 1985.\* By Order of the same date, the Board established Docket R85-27. One month later (December 20, 1985), the Board, having considered the testimony and exhibits submitted in R84-43, entered an order in which it found that "it would be imprudent to repeal the manifest requirement at this time and that further deliberation should proceed under a consolidated R84-43/R85-27 Docket" (p. 1). It also proposed for First Notice a rule to require, effective July 1, 1987, annual reports from all facilities accepting non-hazardous special wastes, without attempting to define the affected universe of facilities.

Ironically, on the same day, Public Act 84-1108 became effective. This law directed DENR to prepare another report for the completion of a study on the degree of hazard of industrial wastes. This second DENR report was received by the Board on January 22, 1987.\*\* Upon receipt of this report, the Board scheduled and held two hearings in May, 1987. After considering the testimony and comments produced in the consolidated R84-43/R85-27 docket, the Board dismissed its proposal on December 17, 1987, and further formally dismissed and closed Docket R84-43.

On April 7, 1988, the Board entered an Interim Order directing the Board's Scientific and Technical Section (STS) to prepare a regulatory proposal. It was contemplated in the Order that the STS efforts would be aided by the final installment of the DENR "degree of hazard" studies undertaken pursuant to Public Acts 83-1268 and 84-1108, which the Order noted was expected to be delivered to the Board "shortly". To serve as an independent proponent, the Order established an "exterior to the Board" arrangement consistent with RES 86-1, whereby the STS was for this purpose created a separate entity and subjected to customary

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\* "Special Waste Categorization Study", HWRIC RR005 (Reddy, October 1985).

\*\* "Assigning a Degree of Hazard Ranking to Illinois Waste Streams", (Plewa et al, 1986).

ex parte restrictions as such a proponent. This arrangement has prevailed to this day.

The DENR's third installment was received by the Board on October 27, 1988.\* By its cover letter, the DENR's Hazardous Waste Research and Information Center (HWRIC) indicated that one additional report, "The Characterization of Non-RCRA Special Waste" by William W. Frerichs, would likely be submitted within two weeks.

The Frerichs report was published in January of 1989, but has not been submitted to the Board for filing in Docket R85-27. The Board's staff obtained a copy of that report on April 28, 1989. The cover letter accompanying the report and responding to the Board staff inquiry indicated that the Frerichs report was a product of DENR's continuing research mission and was not intended to be filed with the Board as an exhibit in the R85-27 proceeding.

Working on the basis of selected preliminary drafts, STS staff member Morton Dorothy prepared a rough draft regulatory proposal and "supporting document". A second draft of the STS rule proposal was prepared on June 28, 1989, and a third draft submittal was filed with the Board on July 24, 1989. An accompanying "Supporting Document" was filed on July 26, 1989. Noting the press of the statutory deadline and that an effort was already underway to develop this Board proposal, Dr. Harish Rao, Chief of the STS, on July 31, 1989, filed a Statement Of The Scientific and Technical Section Regarding Submission of Documents. Dr. Rao indicated that additional efforts to develop a formal STS proposal appear to be unnecessary in R85-27, since that Docket will be closed.

In submitting this proposal, the Board anticipates that DENR will provide technical testimony and support for the proposed categorization/ranking methodology, including the extent to which this proposal reflects its intent.

#### CREATION OF DOCKETS A AND B

The proposal today adopted for first notice does not address all the potential ramifications of a waste classification system, particularly those thorny issues related to creation of a "high hazard" non-RCRA special waste category (i.e., those special wastes assigned a score of 3 pursuant to Section 808.245). As the foregoing history discloses, the legislature originally anticipated that this Board would have the benefit of 38 months' opportunity to deliberate and refine a proposal following receipt

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\* "Refining the Degree of Hazard Ranking Methodology for Illinois Industrial Waste Streams". (Plewa et al, 1988).

of the DENR study (July 1, 1985 to September 1, 1988); the Board has had far less time than that to develop this proposal. It is therefore appropriate that we set aside a docket to consider possible further refinements of the degree of hazard ranking system as well as possible utilization of that system to impose heightened controls on waste treatment, storage and disposal of "high hazard" non-RCRA special wastes. The instant proposal, then, has as its limited primary purpose the utilization of the DENR's hazard ranking system for determining which wastes may be declassified entirely and which of the remainder may have reduced manifest requirements. It may well be that with further refinements the hazard ranking system and related requirements may be altered to increase the potential universe of declassified wastes as well as to specify waste treatment, storage and disposal modalities tailored to specific classes of wastes.

To accommodate these purposes, the Board hereby establishes two separate dockets in this proceeding. The present proposal with its limited focus and timetable, will be the subject of Docket A. Consideration of refinements to the hazard ranking system and the possible use of that system to prescribe requirements specific to special waste classes, including those non-RCRA wastes assigned the highest hazard ranking, will be the subject of Docket B.

#### STATEMENT OF REASONS

As the foregoing history indicates, this proposal follows almost 5 years of efforts by the DENR, the Board and the STS. Unfortunately, those efforts have only very recently begun to coalesce, and the Board now finds itself confronting an extremely short time frame in which to attempt to meet the statutory deadline for rulemaking. The instant proposal is based on the first three DENR studies as well as the STS staff proposal (bearing in mind that there is insufficient time available to allow the STS to submit and prepare a formal final proposal as contemplated by the Board in its Interim Order of April 7, 1989). The principal differences between the STS draft and this Board proposal is that certain features of the STS draft were dropped; very little of the STS proposal has been rewritten, per se, except as necessarily attendant to the elimination of those features. For those sections which have not been retained the following rationale is offered. A conversion table has been appended to enable the reader to convert a section number of the STS draft to the correct section number in the Board draft (Attach. A).

#### RATIONALE FOR DEPARTURES FROM STS DRAFT

1. Deletion of Computer Program Certification "Loop"  
(Subpart I, Sections 808.500 - 808.511 of STS draft)

The Board draft does not retain this feature, although it specifically authorizes the use of computers in making "degree of hazard" determinations (Section 808.301), applications (Section 808.430(a), Board Note), and requests for additional data (Section 808.430(b), Board Note). The Board draft also retains the essential elements of the "data base" provisions (from the STS draft's Section 808.511) at Section 808.302, but drops the references to computer on-line data bases and computer operators.

The STS proposal provisions for Agency certification of computer programs were deleted as unnecessary and potentially beyond the authority of the Board and the Agency. It is believed that, as an application for reclassification of a special waste need not employ a computer to achieve correct results, it is unnecessary to the purposes of the Act to require use of a computer or otherwise to specifically purport to regulate such use. Second, it is felt that Agency certification of computer programs arguably amounts to a form of licensing not authorized by the Act. Finally, there is no suggestion that the Agency seeks such a role or possesses the resources to perform that role.

2. Deletion of a Separate Declassification "Loop" (Subpart D, Sections 808.280 - 808.282 of STS draft)

The Board draft introduces a "seamless" process in which the base determination as to classification (under Section 808.245) may directly result in declassification. The STS draft required generators to file a second application for classification if their waste qualified as lowest degree of hazard special waste. The STS draft stated that "because the requirements for management of a Type A special waste are virtually the same as for waste which is not a special waste, the Subpart leaves the election of declassification to the generator". The Board draft simply eliminates these overlapping categories of wastes and redundant application processes.

3. Deletion of a Hazardous Waste Category Outside RCRA (Sections 808.300, 808.302 and 808.307(b)(4))

Although the "Board Note" following Section 808.302 of the STS draft suggests that a "hazardous waste" means a RCRA waste as defined in 35 Ill. Adm. Code 721, it is clear from operation of Section 808.307(b)(4) that some wastes which are not presently classified as hazardous under RCRA could fall into the Type D category under the STS proposal. This could cause controversy and confusion and is at odds with the evident intent of Section 22.01 and 22.9 of the Act to provide regulatory relief from overly-onerous requirements for those wastestreams which do not warrant the full panoply of controls (e.g., 6-part manifests) currently imposed on special wastes. The Board draft retains the

DENR/STS scoring system intact, however, allowing for future "hazardous" classification of those special waste streams assigned a score of 3; such classification would be authorized by rules adopted under Section 22.4(b) and (c) of the Act, rather than under Section 22.01 and 22.9.

4. Elimination of Mandatory Application for Wastestream Identification Number (Section 808.101(b) of STS draft) and Agency Classification of Type D Wastes on Request (Section 808.301 of STS draft)

The Board draft (Section 808.241) and STS draft (Section 808.303) share the common feature that a special waste is a high-order special waste subject to the 6-part manifest and other more stringent requirements unless proven otherwise. However, the Board draft eliminates the requirement that all special waste generators must apply for a wastestream identification number. It also eliminates the somewhat related provision (Section 808.301) which allows the Agency to classify any waste as a hazardous waste at the request of the generator. Under the Board draft, the generator of Class B special waste may choose to subject his wastes to the Class A manifest requirement; if he so chooses, his wastes are "deemed" to be Class A special wastes for all purposes of Part 808 (Section 808.122(b)).

The primary rationale for departing from the STS draft in this regard is to avoid placing the Agency in the potential role of a "rubber stamp" for generators seeking the higher-order classification for their wastes. There appears to be no reason to involve the Agency needlessly, creating a new administrative burden in the process, in what is essentially a business decision.

5. Elimination of the "Informational Application" (Sections 808.100(c) and 808.121, Board Note)

The STS draft appears to entitle "any person" to apply to the Agency for a written determination as to the classification of "any waste", including, presumably, RCRA hazardous wastes and ordinary household refuse. Such a requirement appears to add a potential burden upon the Agency unrelated to the purposes of this rulemaking, and potentially makes the Agency an unwilling player in disputes between USEPA and generators seeking delisting of hazardous wastes, as well as litigation involving attempts by third parties to have an unlisted waste added to the USEPA's hazardous waste lists.

6. Deletion of Agency Rulemaking Prescribing Additional Information Required in Classification Application (Section 808.402(i) of the STS draft)

The Board draft enables the Agency to request additional information as needed on a case-specific basis (as does the STS draft) but does not allow the Agency to prescribe rules specifying such additional requirements. Such rulemaking appears properly the function of the Board, and in any event is not authorized by the Act to be performed by the Agency.

7. Deletion of Provisions Allowing Description of the Waste Stream in Question to be Modified and Different From The Chemical and Physical Analysis for that Wastestream (Section 808.413(b) of the STS draft)

The Board draft avoids the implications inherent in allowing a wastestream description to be modified notwithstanding the physical and chemical analysis submitted for that wastestream. In its place, the Board draft essentially redrafts the STS language in 808.413(b) and the accompanying "Board Note" (a related change is the addition of the "Board Note" following 808.413(a)). Under the Board draft, each permutation of a wastestream need not match precisely the chemical and physical analysis provided for that wastestream providing that the description of the wastestream is expressed as a range of properties associated with the particular generating process. This outcome appears to meet the need for flexibility which the STS draft attempted to address without inviting or requiring the applicant to "modify" the description every time. For instance, a generator of waste paint solvent may file a single analysis and description for its wastestream to accommodate changes in pigment color and concentration associated with different customers or finished product lines.

8. Deletion of the "Preponderance" Standard for Agency Decisions (Section 808.503(c) of the STS draft)

The enunciation of a "preponderance" standard appears inappropriate for Agency determinations which are not made upon a record review as are Board decisions. The "preponderance" test relates to the relative weight of the evidence introduced and admitted in a contested case proceeding which must be found in the contested case record to sustain an agency's judgment. Where there is no such contested case record, the "preponderance" test (or the "manifest weight" test applicable to Board decisions) is inapplicable. The appropriate "test" for non-record Agency decisions is simply whether they are correct. Note that the "record" before the Agency in a permit matter is not a "record" in the sense used in review of decisions in contested case proceedings.

9. Elimination of Opportunity for Applicants to Introduce New Information in a Request for Reconsideration (Section 808.541(a) of the STS draft)



While the Board draft retains the "request for (Agency) reconsideration" mechanism, it does not allow such requests to include new information. The concern here is that allowing new information to be adduced on reconsideration potentially creates a never-ending application process and improperly relieves applicants of their responsibility to provide a complete application at the outset of the process. Such an approach would also appear to encourage submission of "minimalist" applications as a tactic by applicants reluctant to divulge all relevant information.

10. Omission of Provisions Governing Applications for Wastestream Identification Numbers (Subpart B, Sections 808.200 - 808.220 of the STS draft)

The Board draft allows for inclusions of (by leaving a "gap" in the draft regulations at 808.200 et seq.), but does not include, the STS proposal's provisions governing wastestream I.D. numbers. First, reliance on such wastestream I.D. numbers appear to be predicated on adoption of R88-7's proposed revisions to the solid waste regulations. This may not be accomplished by December 1, 1989. Second, the Board may choose to place the waste stream I.D. number application process provisions elsewhere than in Part 808, since such applications would not necessarily involve the waste classification process.

11. Elimination of Distinctions Between "Waste" and "Wastestream" and Associated Requirements (Section 808.110 and following Board Note of the STS draft)

The STS proposal requires a wastestream I. D. number only for "wastestreams" (i.e., wastes which are routinely or periodically produced by a given process); individual (non-repetitive) waste loads are tracked pursuant to an "unmanifested waste report" from the waste receiving facility (per Section 808.411, page 52 of the STS draft, recommended for adoption in R88-7). The Board draft retains verbatim the "unmanifested waste report" feature at Section 809.502 but eliminates the distinction between "wastes" and "wastestreams" as outside the scope of this rulemaking and as potentially confusing and inconsistent with the Act.

CONCLUSION

The Board wishes to emphasize that the rationale set forth in the draft STS for specific recommendations filed July 26, 1989 with the Board in R85-27 are endorsed by neither the STS (since such recommendations were in draft form only) nor the Board. However, for purposes of eliciting comment during the First Notice period, and to the extent the subject provisions have been retained in the Board's own draft, such rationale is offered by the Board as explanation and justification.

The Board will accept written comments concerning this proposal for 45 days following publication of the proposal in the Illinois Register. In addition, at least two public hearings will be held in order to receive relevant testimony and exhibits. The Hearing Officer shall promptly schedule and conduct appropriate hearings. Hearings shall be completed as expeditiously as possible in order to enable the Board to meet the December 1, 1989, statutory deadline for rulemaking.

ORDER

The Board hereby proposes for first notice the following additions and amendments to 35 Ill. Adm. Code, Subtitle G: Waste Disposal, Chapter I, Pollution Control Board, Parts 808 and 809. (New language is underlined. Deleted language is lined through.) The Clerk of the Board is directed to file these proposed rules 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 808  
SPECIAL WASTE CLASSIFICATIONS

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SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

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Appendix A Assignment of Special Waste to Classes  
Appendix B Toxicity Hazard  
Appendix C Fire Hazard  
Appendix D Leaching Agent Potential

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1021, 1022, 1022.01, 1022.9 and 1027.)

SOURCE: Adopted in R85-27 at Ill. Reg. effective

SUBPART A: GENERAL PROVISIONS

Section 808.100 Purpose, Scope and Applicability

- a) This Part provides a means by which persons may obtain a classification of special waste which is not defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721, to assure that the waste receives appropriate handling based on degree of hazard of the waste.
- b) Waste classification is applicable to any waste.
- c) This Part is intended to allow any person generating such special waste to request waste classification and prescribes procedures by which applicants may supply

detailed information in order to establish the appropriate waste classification.

Section 808.101 Transitional Rule

Generators shall use wastestream identification numbers issued by the Agency pursuant to supplemental permits in accord with 35 Ill. Adm. Code 807 until the Agency issues a wastestream identification number for such wastestream pursuant to \*\*\*\*\*. The Agency may issue such a wastestream identification number based upon the default provisions of Section 808.241 or upon a determination made in response to a request for the wastestream pursuant to this Part. All special wastes which are not subject to RCRA hazardous waste requirements pursuant to Part 721 are deemed to be Class A special wastes unless a contrary determination has been made pursuant to this Part. The generator may use the old wastestream identification number pending the outcome of any request for reconsideration or appeal pursuant to Sections 808.541 or 808.542.

Section 808.110 Definitions

"Act" means the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Class A manifest" means the shipping documentation prescribed by the Agency to accompany Class A special wastes and consisting of at least an original and 5 original copies, 2 of which are to be provided to the Agency.

"Class B manifest" means the shipping documentation prescribed by the Agency to accompany Class B special wastes consisting of at least an original and 3 copies, none of which are to be provided to the Agency.

"Declassified Waste" means a waste which has been determined pursuant to Section 808.245 to not be a special waste.

"Degree of hazard" is determined as provided in Section 808.247.

"Hazardous waste" is as defined in 35 Ill. Adm. Code 721.

"Special handling waste" is a special or declassified waste which, due to its form and mode of containment in transport, presents a danger to a person handling the waste such that the person needs information about the waste to safely transport, treat, store or dispose of the waste. "Special handling waste" includes any such waste which would pose a danger if handled in a manner similar to household waste.

"Dangers" include, but are not limited to, the following: fire, explosion, and emission of toxic or carcinogenic gas or dust. "Special handling waste" also includes any special waste which, because of appearance or packaging, resembles waste which would be a special handling waste. Such waste includes, but is not limited to, any special waste contained in a sealed drum. Irrespective of its degree of hazard ranking under Section 808.245, a special handling waste is a special waste.

BOARD NOTE: Section 808.244 provides that special handling waste which would otherwise be declassified is at least a Type B special waste.

"Special waste" includes any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245.

"Waste" means a "solid waste" as defined in 35 Ill. Adm. Code 810.103.

#### Section 808.111 Incorporations by Reference

- a) The Board incorporates the following materials by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI/ASQC C1-1985, "Specification of General Requirements for a Quality Program", approved November, 1985.

ANSI/ASQC S1-1987, "An Attribute Skip-Lot Sampling Program", approved March 6, 1987.

ANSI/ASQC Q94-1987, "Quality Management and Quality System Elements -- Guidelines", Approved June 15, 1987.

ANSI/ASQC Z1.4-1981, "Sampling Procedures and Tables for Inspection by Attributes", Approved 1981.

ANSI/ASQC Z1.9-1980, "Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming", Approved March 6, 1980.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM Standard D 3828-87 "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester", approved December 14, 1987.

ASTM Standard E 896-87 "Standard Test Method for Conducting Aqueous Direct Photolysis Tests", approved September 25, 1987.

ASTM Standard E 1147-87 "Standard Test Method for Partition Coefficient (n-Octanol/Water) Estimation by Liquid Chromatography", approved February 27, 1987

ASTM Standard E 1148-87 "Standard Test Method for Measurements of Aqueous Solubility", approved April 3, 1987

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

- b) This Section incorporates no future amendments or editions

#### Section 808.121 Generator Obligations

- a) Each person who generates waste shall determine whether the waste is a special waste.

(BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

- b) No person shall deliver special waste to a hauler unless the waste is accompanied by a manifest as specified in Section 808.122 and the hauler has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The following are exceptions to this prohibition:
  - 1) The person is subject to the small quantity generator exemption of Section 808.123.
  - 2) The hauler and waste are subject to a hauler exemption under 35 Ill. Adm. Code 809.331.

- 3) The Agency has determined pursuant to this Part that the waste is not a special waste.
- c) No person shall cause, threaten or allow the treatment, storage or disposal of special waste in Illinois except:
  - 1) At a facility permitted or otherwise authorized to manage the special waste pursuant to 35 Ill. Adm. Code 703 or 811; or
  - 2) At a facility owned and operated by such person and subject to the on-site disposal exemption of Section 21(d) of the Act.
- d) No person shall deliver special waste to a hauler or a permitted facility without a wastestream identification number.
- e) No person shall deliver to a hauler or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

#### Section 808.122 Manifests

If required by Section 808.121(b):

- a) The generator of any special waste shall prepare a manifest in the form prescribed by 35 Ill. Adm. Code 809.501 prior to shipment.
- b) The generator of any Class B special waste may choose to utilize a manifest in the form prescribed for Class A special wastes. Special wastes made subject to this subsection shall be deemed Class A special wastes for all purposes of this Part.

#### Section 808.123 Small Quantity Generators

Any person who generates a total quantity of a special waste of 100 kilograms (220 pounds) or less in any calendar month: is not required to initiate a manifest when delivering such special waste to a hauler providing that such waste shall not be accumulated for more than 190 days prior to shipment. In any action, to enforce the terms of this Section, the burden of proof shall be on the generator to establish compliance with the time limit on accumulation.

### SUBPART B: CLASSES OF SPECIAL WASTE

#### Section 808.240 Special Waste Classes



- a) There are two classes of non-RCRA hazardous special waste. 35 Ill. Adm. Code 811 provides different rules for the transportation, treatment, storage and disposal of these waste types. The waste types are called "type A" and "Type B", with greater restrictions on the handling of the former. In addition, special wastes with a negligible degree of hazard (i.e., scoring less than 1 pursuant to Section 808.145) may be declassified. Such declassified wastes shall be deemed to be refuse which is not a special waste.
- b) This Subpart should be read in conjunction with the flowchart in Appendix A. The Sections of this Subpart are arranged such that the first Section which assigns a waste classification to the waste controls.
- c) This Part contains rules for the assignment of wastes to classes. Subpart D contains procedures by which a person requests that the Agency assign special wastestreams to classes.
- d) Subpart B allows the Agency to determine that a waste is not a special waste.

#### Section 808.241 Default Classification of Special Wastes

Any industrial process waste or pollution control waste which is not a RCRA hazardous waste is a Class A special waste unless and until some person demonstrates otherwise to the Agency pursuant to this Part.

#### Section 808.242 Special Handling Waste

A special handling waste which is neither a RCRA hazardous waste nor a Class A special waste under the other provisions of this Subpart is a Class B special waste.

(BOARD NOTE: This rule sets the special handling flag. A special handling waste will require manifesting regardless of the predicted degree of hazard score under Section 808.245, to protect the waste hauler, the disposal operator and their employees.)

#### Section 808.243 Categorical Wastes

- a) Subpart H defines certain categorical wastes and assigns them to classes.
- b) A waste which meets the criteria for inclusion within a category is a special waste of the class specified for the category.

#### Section 808.244 Characteristic Wastes

- a) Subpart H defines certain waste characteristics and assigns wastes meeting the characteristics to classes.
- b) A waste which exhibits a characteristic is a special waste of the class specified for the characteristic.

Section 808.245 Degree of Hazard

An industrial process waste or pollution control waste which is not a RCRA hazardous waste shall be assigned to a class based on the degree of hazard as follows:

- a) Compute scores for the following hazard categories:
  - 1) Toxicity hazard (Appendix B);
  - 2) Fire hazard (Appendix C); and,
  - 3) Leaching hazard (Appendix D).
- b) Assign to types based on the highest score from subsection (a):
  - 1) If the score is 0, the waste shall be deemed not a Special Waste (i.e., is a declassified waste);
  - 2) If the score is 1, the waste is deemed to be class B special waste;
  - 3) If the score is 2 or more, the waste is deemed to be class A special waste. However, if the score is 3, the waste shall be subject to such additional classification and other requirements as may be imposed by Board regulations, including but not limited to those adopted pursuant to Section 22.4(b) and (c) of the Act.
- c) Notwithstanding the above, a special handling waste shall be deemed to be at least a class B special waste.

Section 808.246 Toxicological Testing

A waste may be assigned to a class pursuant to Section 808.245 based on toxicological testing of the waste or its components.

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section 808.300 Introduction

This Subpart governs criteria and data requirements used to predict the degree of hazard pursuant to Section 808.245.

Section 808.301 Degree of Hazard Determination by Computer

- a) The Agency may employ electronic data processing equipment and programs to accomplish the purposes of this Subpart. Any such program must assign a degree of hazard according to the method specified in Section 808.245.
- b) The program must display all data used in each degree of hazard prediction, together with the source of the data.

Section 808.302 Data Base

- a) This Section governs the data base which may be employed to assess the physical, chemical and toxicological properties of waste constituents.
- b) The data base shall consist of data from any source which the Agency determines is reasonably reliable as a basis for decision. Reasonable reliability of a source shall be assessed by reference to factors including, but not limited to, its scientific validity, the consistency with which the source reflects directly observable data, including monitoring data, and the consistency of results of repeated applications of data and formulae. Such data sources include, but are not limited to the following:
  - 1) Data from standard reference sources;
  - 2) Data published or incorporated by reference by a federal regulation or by a regulation adopted by an agency of the State of Illinois;
  - 3) Data included in the application under consideration and in written communications between the applicant and the Agency or their representatives, with respect to the application;
  - 4) Data previously used by the Agency in other wastestream categorization determinations.

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section 808.400 Introduction

- a) This Subpart specifies the procedures used to obtain a waste classification from the Agency.
- b) Waste classification may be requested by any person subject to the obligations imposed on generators of special waste as specified in Subpart A.

Section 808.401 Application Forms

Persons applying for waste categorization shall use application forms promulgated by the Agency.

Section 808.402 Application for Waste Classification

An application for waste categorization shall, at a minimum, include the following information:

a) Basic information.

- 1) The name, address and phone number of the original generator.
- 2) The original generator's United States Environmental Protection Agency (USEPA) identification number (35 Ill. Adm. Code 722.122) and the Agency identification number, if the original generator has already obtained either.
- 3) The name and address of any treater of the waste.
- 4) Any treater's USEPA identification number and Agency site number.
- 5) Whether any treater has a RCRA permit or interim status.
- 6) For a waste already produced, a chemical and physical analysis as specified in Section 808.410. For a waste yet to be produced, a predicted chemical and physical analysis based upon laboratory or pilot process data, process design data or other relevant information.
- 7) A wastestream description as specified in Section 808.413.
- 8) A quality assurance plan as specified in Section 808.420.
- 9) A description of any treatment processes.
- 10) Identification of the disposal site or sites to which the applicant proposes to send the waste.

(BOARD NOTE: This information is requested to assist the Agency in reviewing the application. These rules do not preclude use of a disposal site which is not identified in the application for classification.)

- 11) Wastestream number of any supplemental wastestream permit issued for the waste pursuant to 35 Ill. Adm. Code 807.210, and the expiration date of any such permit.
- b) The rationale for requesting classification, including all relevant calculations and other bases for conclusions.
- c) Data establishing that the waste is not a hazardous waste pursuant to 35 Ill. Adm. Code 721.

(BOARD NOTE: Wastestream categorization is not applicable to RCRA hazardous waste. If the generator anticipates that this will be an issue, the generator should include documentation supporting the claim that the waste is not a hazardous waste pursuant to 35 Ill. Adm. Code 721.)

- d) Data bearing on whether the waste is a special handling waste, including the physical form of the waste and the mode of containment, if any, during transport.
- e) Whether the waste is a categorical or characteristic waste.
- f) Sufficient physical, chemical and toxicological data to assign a degree of hazard pursuant to Section 808.245 pursuant to Section 808.430.
- g) If necessary, results of toxicological testing as specified in Section 808.431.
- h) Such additional information as the generator believes is appropriate to show that the waste should be classified as the generator requests.
- i) Such additional information as the Agency determines is necessary for it to assign the waste to a class. The Agency may specify additional information by a request directed to the individual applicant.

Section 808.410 Physical and Chemical Analysis

Physical and chemical analysis of wastes for purposes of this Subpart shall be as follows:

- a) Samples must be representative of the wastestream.
  - 1) Samples must include all waste phases.
  - 2) Samples must be distributed spatially within the waste bulk.

- 3) Samples must be distributed over sufficient time to account for variation in the wastestream through work shifts, seasons, etc.
- b) The following properties shall be determined and reported:
- 1) The physical state of each waste phase.
  - 2) pH as determined by the method specified in Appendix D.
  - 3) Flashpoint as determined by the method specified in Appendix C.
  - 4) Results of an EP toxics test as specified in 35 Ill. Adm. Code 721.124.
  - 5) Density.
- c) Analysis for constituents.
- 1) The analysis must account for all materials introduced into a process, and all materials which come into contact with products and materials produced by the process, including end products and impurities.
  - 2) The analysis must account for chemicals which will react with each other under the process conditions.
  - 3) If available, the analysis must use the Chemical Abstracts Service (CAS) name and number for each constituents, or a name from the list of common names pursuant to Section 808.412. Otherwise, the person requesting classification may provide a name and complete description of the constituent.
  - 4) The analysis shall include a list of major constituents and concentrations which accounts for at least 99% of the mass of the waste. The list may include an entry for "other" or "unknown", if adequately characterized by the list of significant trace constituents below. The analysis shall list major constituents of the waste rounded to the nearest tenth of a percent, and shall be supported by a mass balance.
  - 5) Significant trace constituents. The generator shall include a list and the concentration of all significant trace constituents as defined in Section 808.411.

- 6) The analysis shall identify all such major constituents and significant trace constituents as are listed in 35 Ill. Adm. Code 721. Appendix H.
- d) Error analysis. The analysis must report the average value and expected range of each major constituent and significant trace constituent. The expected range must predict the interval within which 95% of analyses for the constituent are expected to fall. The error analysis must take into account the following:
  - 1) Temporal variation in the wastestream properties;
  - 2) Uncertainties arising from sampling the waste; and
  - 3) Uncertainties arising from the method of analysis.

#### Section 808.411 Significant Trace Constituents

A significant trace constituent is a constituent revealed by qualitative analysis:

- a) Which is present at a concentration less than 1%; and,
- b) Which has a toxicity, BiTi, as determined in Appendix B, less than 500 mg/l.

#### Section 808.412 Common Names

The Agency shall adopt a list of common names, together with a description of each.

(BOARD NOTE: The purpose of this provision is to promote greater consistency in the naming of constituents which are not amenable to chemical nomenclature. The Agency may use this mechanism to assign common names to constituents. Suggested names include: Sand, water, wood, foodstuff. In addition, this mechanism can be used to assign a name and toxicological properties to complex mixtures after these have been determined for a wastestream or a type of waste-generating process.

#### Section 808.413 Wastestream Description

- a) The wastestream description must include the following:
  - 1) The name of the generator if other than the original generator identified in Section 808.402(a)(1);
  - 2) The name of the wastestream as assigned by the Agency under Section 808.412, or as assigned by the generator if no name has been assigned by the Agency;

- 3) The activity, production process or treatment process which gives rise to the waste;
- 4) A general description of the physical and chemical properties of the wastestream.

(BOARD NOTE: This description may be summary and narrative; detailed description of physical and chemical properties of the wastestream is governed by Section 808.410).

- b) The wastestream description may include a description of a range of physical and chemical properties of the wastestream based on physical and chemical analysis pursuant to Section 808.410, associated with periodic, occasional or anticipated changes in the process which produces the waste (e.g., changes in materials used as coatings, bonding agent or solvents).

(BOARD NOTE: The wastestream description differs from the waste analysis discussed above. The wastestream description should describe the waste which the applicant wishes to have classified, which may not be exactly what the applicant presently produces. The waste which is subjected to analysis must fit within the wastestream description, but need not be identical to all permutations of it. To avoid having to necessarily repeat the waste classification process, the applicant should request classification of a broadly-defined and characterized wastestream so as to cover any periodic, occasional or anticipated modification to the waste properties. However, this will tend to increase the degree of hazard ranking of the wastestream.)

#### Section 808.420 Quality Assurance Plan

A quality assurance plan shall detail steps which the generator will take to ensure that waste conforms with the wastestream description.

- a) The plan must include employee orientation measures, such as the following:
  - 1) Assignment of responsibility for assuring compliance;
  - 2) Employee training;
  - 3) Work rules;
  - 4) Posting of signs;
  - 5) Positioning of waste receptacles.



- b) The plan must include periodic and random inspection, sampling and analysis of the wastestream to ensure that it conforms with the wastestream description. The plan must be designed so that there is at least a 95% probability that loads meet the wastestream description. The plan may specify measures to be taken to account for variables in the properties by the wastestream so as to prevent false negatives.

(BOARD NOTE: The applicant should use statistical quality control to devise a plan with an inspection schedule which meets the above standard based on the properties and variability of the wastestream.)

- c) The plan may provide for inspection, sampling and analysis by the permitted facility which receives the waste. If so, the plan must include a written agreement by the receiving facility detailing what it will do.

(BOARD NOTE: The permitted facility is required by permit and by 35 Ill. Adm. Code 811 to inspect, sample and analyze wastes it receives. This is distinct from similar activities undertaken by contract on behalf of the generator pursuant to this Section.)

Section 808.430 Degree of Hazard Data

- a) The applicant may elect to include its degree of hazard prediction with the application.

(BOARD NOTE: The applicant may include the results of a degree of hazard prediction performed by a computer program.)

- b) The Agency may request additional data if necessary to assign the waste to a class and the application contains inadequate information to determine the degree of hazard of the waste.

(BOARD NOTE: If the Agency requests data, the request may include a computer-generated result of an attempt to perform the degree of hazard prediction, with a specific request for needed data.)

- c) Degree of hazard data includes sufficient information to predict the degree of hazard of the waste pursuant to Section 808.245. The data includes, but is not limited to, the following with respect to each constituent, in addition to the information normally present in the physical and chemical analysis above:

- 1) Toxicity;
- 2) n-Octanol/water partition coefficient;

- 3) Persistence, measured as the half-life in days; and
- 4) Solubility in water in parts per million on a weight basis.

Section 808.431 Toxicological Testing

- a) The applicant may elect to include the results of toxicological testing of components of the waste or of the waste itself.
- b) The Agency shall request that the applicant perform toxicological testing of components or of the waste if a degree of hazard determination is necessary to assign the waste to types and the Agency concludes that there is not adequate information in its data base to determine the degree of hazard.
- c) Testing shall be to determine an LD50 - oral rat. The Agency may approve alternative toxicological testing if the applicant demonstrates why an LD50 - oral rat cannot be measured. The applicant shall document the relation of the chosen parameter to an LD50 - oral rat.

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

Section 808.501 Order of Requesting Information

- a) If possible, the Agency shall categorize the wastestream without requesting or using degree of hazard data pursuant to Section 808.430.

(BOARD NOTE: For example, if the waste is a categorical waste, it should be assigned to the type for that category without resort to degree of hazard data.)

- b) If after requesting and receiving degree of hazard data pursuant to Section 808.430, the Agency still cannot determine the degree of hazard, the Agency shall request toxicological testing pursuant to Section 808.431.

Section 808.502 Completeness

- a) An incomplete application is one which has insufficient information to classify the waste, including the lack of degree of hazard data or toxicological testing, if necessary.
- b) If the Agency determines that an application is incomplete, it shall classify the waste as a Class A special waste unless the Agency determines, based on such information as may be available, that the waste is a RCRA hazardous waste pursuant to 35 Ill. Adm. Code 721. However, if the applicant waives the decision

period specified by Section 808.504, the Agency may hold an application pending receipt of additional information.

- c) If an incomplete application has a wastestream description or quality assurance plan which is not adequate to define the subject matter of the application, the Agency shall not issue a wastestream identification number or a supplemental wastestream permit, as the case may be.

#### Section 808.503 Standard for Classification

Pursuant to Section 808.245, the Agency shall assign special waste to a class or shall declassify the waste.

### SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

#### Section 808.520 Time for Agency Action

- a) The Agency shall issue a wastestream classification determination within 60 days after the date of receipt of complete application. An application shall be deemed complete 30 days following receipt by the Agency unless the Agency notifies the applicant otherwise in writing.
- b) The applicant may waive the time for Agency action.
- c) As provided in Section 22.9(e) of the Act, if the Agency fails to act within 60 days after receipt of the request, the applicant may seek review before the Board pursuant to Section 40 of the Act as if the Agency had denied an application for a permit.

#### Section 808.521 Conditions of Wastestream Classification

The Agency shall include the following conditions in each wastestream classification determination:

- a) Wastestream description.
- b) Wastestream identification number.
- c) Type of special waste.
- d) Limitations on the management of the waste based on this Part, and 35 Ill. Adm. Code 809 and 811.
- e) Quality assurance plan.
- f) Expiration date.

- g) Such addition conditions as the Agency determines are necessary to assure that waste managed pursuant to the classification determination is of the class specified.

Section 808.522 Final Agency Action

Final Agency action shall consist of a final determination of a wastestream classification request. The Agency takes final action on the date the wastestream classification determination is mailed to the applicant.

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

Section 808.541 Request for Reconsideration

- a) Within 35 days after the Agency takes final action, the applicant may request reconsideration.
- b) The time for appeal is stayed pending the Agency's action on the request for reconsideration.
- c) If the application is a request for modification of a previous final wastestream determination, the new determination is stayed and the applicant shall continue to manage waste pursuant to the old determination. Otherwise, the applicant shall manage the waste in accordance with the new determination pending reconsideration.
- d) The Agency's review of a request for reconsideration is subject to the same procedures as the original application.

Section 808.542 Appeal

- a) Within 35 days after the Agency's final action, the applicant may appeal a wastestream classification determination to the Board pursuant to 35 Ill. Adm. Code 105.
- b) The record before the Board consists of the data base which was considered by the Agency at the time the Agency took final action. The applicant may supplement the record before the Board only under one or more of the following conditions:
  - 1) If the applicant attempted to place the information into the data base before the Agency.

(BOARD NOTE: This provision is intended to prevent the use of appeals to challenge the validity of degree of hazard data through the introduction of new information without the Agency having the opportunity to reconsider.)

- 2) If the data base filed by the Agency is not complete with respect to materials identified in subsection (b)(3) of Section 808.302.

#### Section 808.543 Effect of Classification

A wastestream classification provides the generator with a determination necessary to obtain a wastestream identification number or to obtain a modification to a supplemental wastestream permit, which in turn is necessary for completion of manifests and reports required by this Part, 35 Ill. Adm. Code 809 and 811. The wastestream classification authorizes the generator, hauler and permitted facility to transport and manage waste meeting the wastestream description in accordance with regulations governing the transportation and management of special waste of the type provided in the classification determination.

#### Section 808.544 Enforcement

Any person may bring an enforcement action pursuant to Title VIII of the Act and 35 Ill. Adm. Code 103. Penalties are as provided in Title XII of the Act. Sanctions include revocation of a wastestream classification determination.

#### Section 808.545 Modification

- a) A person who has received a wastestream classification may request modification at any time by filing a new application.

(BOARD NOTE: The generator has to file a new application at the time the waste the generator produces no longer meets the wastestream description.)

- b) The Agency shall modify a wastestream classification to reflect changes in the Act or Board regulations. The Agency shall give the generator at least 30 days prior written notice before it modifies the wastestream classification.

### SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

#### Section 808.600 Introduction

- a) This Subpart defines "categorical wastes" by the type of generator producing the waste, by the process from which the waste arises or by name. This Part also defines "characteristic wastes" based on physical or chemical properties of the waste.
- b) Categorical and characteristic wastes are assigned to special waste classification based on their general

properties, regardless of the degree of hazard of individual wastes or wastestreams.

Section 808.601 Hazardous (infectious) Hospital Waste

a) Definitions.

"Hazardous hospital waste." See "Hazardous (infectious) hospital waste".

"Hazardous (infectious) hospital waste" means "Hazardous hospital waste" as defined in Section 3.13 of the Act. "Hazardous (infectious) hospital waste" means waste which has been generated by a hospital in connection with patient care which is contaminated with or may be contaminated with an infectious agent which 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 any waste which includes:

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.

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 mucous or other respiratory fluids of patients who have been placed in respiratory isolation or strict isolation by the hospital's infection control committee.

Medical and patient care items contaminated during surgery when the case is infectious.

Tissues (human or animal), pathological waste, and items that are contaminated by an infectious agent.

Bacteriological cultures and blood or other excreta that are products from bacteriological testing. And,

Any other waste which, because of its infectious nature, is ordered to receive special handling and disposal by the hospital's infection control committee.

"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, out-patient clinics, or veterinary hospitals.

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

"Infection control committee" means a hospital's infection control committee established pursuant to 77 Ill. Adm. Code 250.1100 (1988).

"Innocuous Hospital Waste" is not a special waste, but for the purposes of this Subpart 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 Section 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.

- b) Hazardous (infectious) hospital waste is a Class A special waste, unless it has been rendered innocuous.

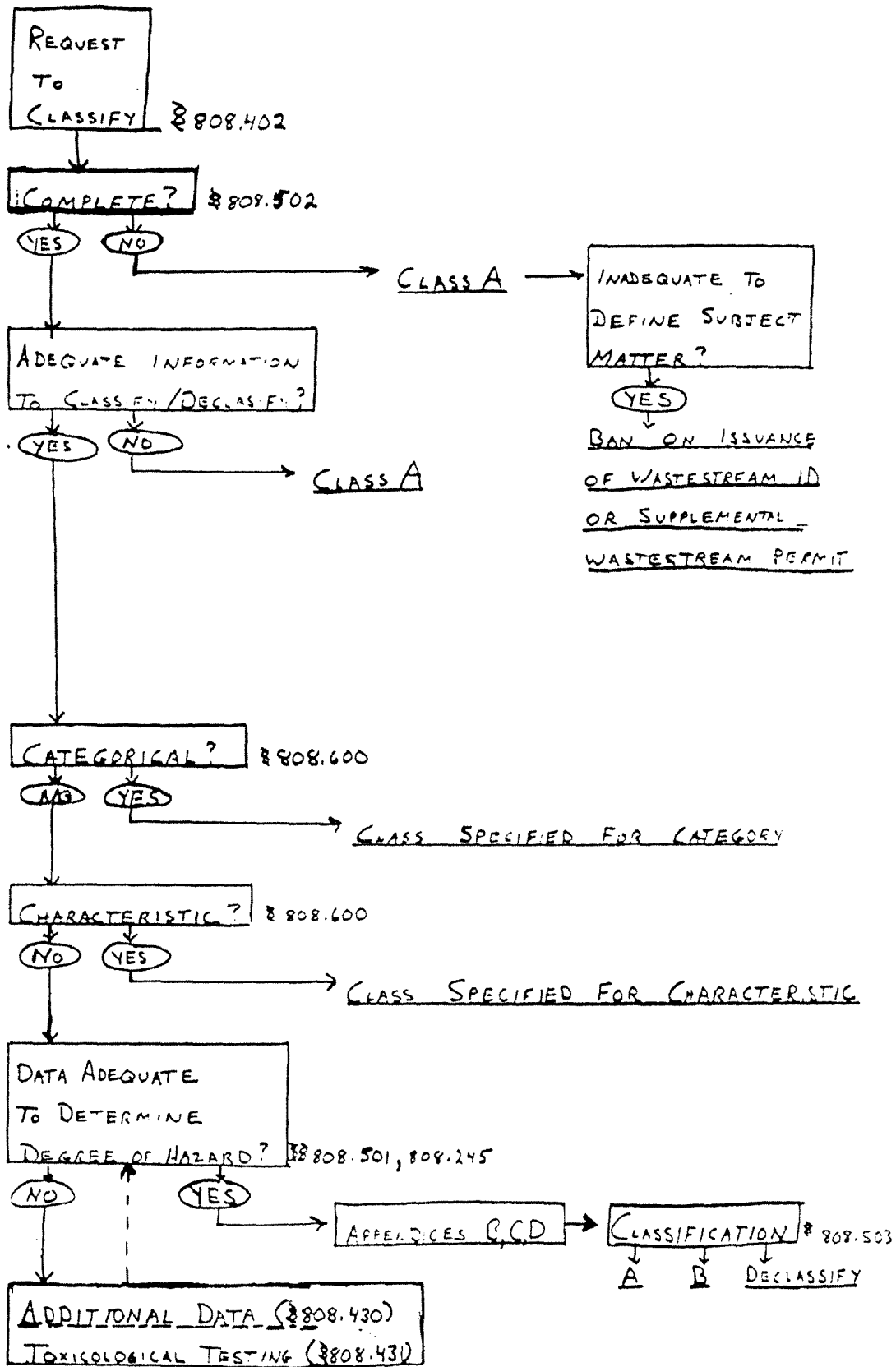
35 Ill. Adm. Code 811 prohibits deposition of hazardous (infectious) hospital waste in a landfill.

- c) Rendering Innocuous by Sterilization. Any hazardous (infectious) hospital waste may be rendered an innocuous hospital waste by:
  - 1) 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
  - 2) 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*.
- d) Rendering Innocuous by Incineration. 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 35 Ill. Adm. Code 201 have been obtained from the Agency, and the conditions of those permits have been met.
- e) Residuals
  - 1) Innocuous hospital waste may be disposed of by any lawful means appropriate to its classification under this Part, including incineration in any incinerator appropriate for such waste and for which the Agency has issued a permit.
  - 2) The ash produced by the incineration of hazardous (infectious) hospital waste is a special waste which is assigned to classes based on this Part.
- f) Recordkeeping Requirements.
  - 1) 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).
- 2) The requirements of subsection (f)(1) 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 (f)(1).
- g) Classification of hazardous (infectious) hospital waste which has been rendered innocuous other than by incineration. Any hazardous (infectious) hospital waste rendered innocuous pursuant to this Section other than by incineration may be reclassified (including declassified) pursuant to this Part.

Section 808. Appendix A Assignment of Special Waste to Classes



Section 808.Appendix B Toxicity Hazard

- a) The wastestream equivalent toxic concentration is calculated as follows:

$$C_{eq} = A \text{ SUM}(C_i / B_i T_i)$$

where:

- 1) SUM means the sum of the results of the calculation in parentheses for each component of the wastestream.
- 2)  $C_i$  is the concentration of component  $i$  as a percent of the waste by weight.
- 3)  $T_i$  is a measure of the toxicity of component  $i$ , as provided in paragraph (h).
- 4)  $A$  is equal to 300.

(BOARD NOTE:  $A$  is a constant used to allow the entry of percent values for  $C_i$ , and to adjust the results so that a reference material, 100% copper sulfate, with an oral toxicity of 300 mg/kg, achieves an equivalent toxicity of 100. Under the following paragraphs, 100 kg/month of the reference material has a "toxic amount" of 10,000, defining the borderline between a "toxic score" of 2 or 3 for a small quantity generator. )

- 5)  $B_i$  is a constant used to convert toxicities ( $T_i$ ) to equivalent oral toxicities.  $B_i$  is determined from paragraph (i).

- b) Calculate the toxic amount ( $M$ ) as follows:

$$M = S C_{eq}$$

where:

- 1)  $S$  is the wastestream size in kg/month.
- 2)  $C_{eq}$  is the equivalent concentration from paragraph (a).

- c) Calculate the toxic score as follows:

- 1) If the toxic amount is less than 100, the toxic score is 0.
- 2) If the toxic amount is greater than or equal to 100 and less than 1000, the toxic score is 1.

- 3) If the toxic amount is greater than or equal to 1000 and less than 10,000, the toxic score is 2.
  - 4) If the toxic amount is greater than or equal to 10,000, the toxic score is 3.
- d) Assign to types based on toxicity.
- 1) If the toxic score is 0 or 3, the toxic score is used in Section 808.245 without adjustment.
  - 2) If the toxic score is 1 or 2, the toxic score is adjusted based on environmental fate pursuant to the following paragraphs.
- e) The environmental fate score (F) is calculated as follows:
- $$F = \text{SUM}(C_i L_i)$$
- where:
- 1) SUM means the sum of the results of the calculation in parentheses for each component of the wastestream.
  - 2)  $C_i$  is the concentration of component  $i$  as a percent of the waste by weight.
  - 3)  $L_i$  is the environmental level of the component as determined by paragraph (j)
- f) Adjust toxic score
- 1) If the environmental fate score is less than 100, subtract 1 from the toxic score.
  - 2) If the environmental fate score is greater than or equal to 100 and less than 200, the toxic score is not modified.
  - 3) If the environmental fate score is greater than or equal to 200, add 1 to the toxic score.
- g) Return to Section 808.245 with the toxic score or adjusted toxic score.
- h) Sources of toxicity data.
- 1) The generator is required to provide information to substantiate that any waste is other than a type A waste.

- 2) Carcinogens and mutagens. If available, use a TD50 oral rat. Otherwise:
  - A) Carcinogens are assigned a Ti of 0.1 mg/kg; and
  - C) Mutagens are assigned a Ti of 0.6 mg/kg.
- 3) The best toxicity value is selected according to the following criteria.
  - A) Toxicities are converted to equivalent oral toxicities as specified in paragraph (i).
  - B) Toxicity values are ranked by source according to the following priorities, with the better sources listed first.
    - i) Oral rat; inhalation rat; dermal rabbit; or, aquatic toxicity.
    - ii) Other mammalian toxicity values.
  - C) If there is more than one value for the toxicity from the best available source, the lowest (most toxic) equivalent oral toxicity value is used.

- i) Conversion factors for equivalent oral toxicities (Bi):

<u>Toxicity measure</u>	<u>Units</u>	<u>Bi</u>
Oral - LD50	mg/kg	1.
Carcinogen/mutagen -- TD50	mg/kg	1.
Aquatic - 48 or 96 hour LC50	ppm	5.
Inhalation - LC50	mg/l	25.
Dermal - LD50	mg/kg	0.25

- 1) If a carcinogen or mutagen is assigned a value for Ti in the absence of a TD50, Bi is assigned a value of 1.
- j) Environmental levels (Li). If the component is innocuous, Li is equal to 0. Otherwise, Li for a component is the highest level for that component in the following table, based on bioaccumulation, persistence and solubility. If a value is on the boundary between ranges, the higher value of Li is used.

<u>Bioaccumulation</u>		<u>Persistence</u>		<u>Solubility</u>		<u>Li</u>
<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>	
5	---	365	---	10,000	---	3
4	5	30	365	1000	10,000	2
0	4	0	30	0	1000	1

- 1) "Innocuous" components are those for which BiTi, as determined in paragraph (a), is greater than 5000mg/kg.
  - 2) Bioaccumulation is measured as to logarithm to the base 10 of the n-octanol/water partition coefficient for the constituent, measured according to ASTM E 1147, incorporated by reference in Section 808.111.
  - 3) Persistence is determined as provided in paragraph (k).
  - 4) Solubility is measured as parts per million on a weight basis. Solubility may be measured according to the method described in ASTM E 1148, incorporated by reference in Section 808.111.
- k) Persistence. If available, a value for persistence measured as provided in subsection (k)(1) must be used. Otherwise, the table of subsection (k)(2) must be used.
- 1) Persistence must be measured according to the method described in ASTM E 896, incorporated by reference in Section 808.111.
  - 2) Persistence may be estimated using the following table. Constituents which fit into more than one category have the longest half life indicated.

Type of Compound or Material	Half Life (days)
Metal, metal oxide or inorganic oxide	366
Inorganic salts	366
Asbestos	366
Clay	366
Plastics or polymers	366
Pesticides	366
Halogenated hydrocarbons	366
Polyaromatic hydrocarbons and biphenyls	366
Phthalate esters	366
Paper products	366
Fats, oils and greases	366

Resins and pigments	366
Aromatic and alicyclic hydrocarbons	31
Aliphatic hydrocarbons	
More than 10 carbons	31
10 carbons or less	1
Not otherwise listed	366

Section 808.Appendix C Fire Hazard

- a) Flashpoint determination
  - 1) Non-liquids.
    - A) If the flashpoint is greater than 60 degrees C (140 degrees F), then the score is 0.
    - B) If the flashpoint is less than or equal to 54 degrees C (130 degrees F), then the degree of hazard is assigned according to size of the wastestream (paragraph b).
  - 2) Liquids.
    - A) If the flashpoint is greater than 93 degrees C (200 degrees F), then the score is 0.
    - B) If the flashpoint is less than or equal to 93 degrees C (200 degrees F), then the degree of hazard is assigned according to size of the wastestream (paragraph b).
- b) Size of wastestream
  - 1) If the waste is generated at a rate less than or equal to 100 kg/month, then the score is 2.
  - 2) If the waste is generated at a rate greater than 100 kg/month, then the score is 3.
- c) Flashpoint is measured as specified in ASTM D-3828, incorporated by reference in 35 Ill. Adm. Code 720.111.

Section 808.Appendix D Leaching Agent Potential

- a) pH determination.
  - 1) If the pH is greater than or equal to 4 and less than or equal to 10, then the score is 0.
  - 2) If the pH is less than 4 or greater than 10, the degree of hazard is assigned according to size under paragraph (b).
- b) Size of wastestream

- 1) If the waste is generated at a rate less than or equal to 100 kg/month, then the score is 2.
  - 2) If the waste is generated at a rate greater than 100 kg/month, then the score is 1.
- c) pH measurement. pH is measured as specified in Method 5.2 in "Test Methods for Evaluation of Solid Waste", incorporated by reference in Section 808.111.



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

PART 809  
~~-SPECIAL-~~ WASTE HAULING

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(Repealed)  
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AUTHORITY: Implementing Section 21(g) and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111-1/2, pars. 1021(g) and 1027).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980 for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 209 at 5 Ill. Reg. 270, effective January 1, 1981 for a maximum of 150 days; amended in R80-19, 41 PCB 455, 517, at 5 Ill. Reg. 6378, effective May 31, 1981; amended R77-12B, 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 7 Ill. Reg. 13640, effective September 30, 1983.; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R85-27 at Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 809.101 ~~-Authority,~~ -Policy and Purposes  
~~-Pursuant to the authority contained in Sections 5, 10, 13 and 22~~

of the Environmental Protection Act, (Ill. Rev. Stat. 1981, ch. 111-1/2, pars. 1005, 1010, 1013 and 1022) and consistent with the policy and purposes expressed in Section 20 (Ill. Rev. Stat. 1981, ch. 111-1/2, par. 1020) thereof, the Board adopts the following Rules and Regulations: -

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-permitted facilities. ~~It is the purpose of these Regulations to control only wastes as defined herein.~~

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

#### Section 809.102 Severability

If any provision of ~~these rules or regulations~~ this Part is adjudged invalid, or if ~~the~~ its application ~~thereof~~ to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole or of any Subpart, Section, ~~S~~ subsection, ~~S~~ sentence or ~~E~~ clause ~~thereof~~ not adjudged invalid.

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

#### Section 809.103 Definitions

Unless the contrary is indicated, terms have the same meaning as in 35 Ill. Adm. Code 810. The following terms are specifically defined for use in this Part:

"Act" means the ~~Illinois~~ Illinois Environmental Protection Act (Ill. Rev. Stat. ~~1981-1987~~, ch. 111-1/2, pars. 1001, et seq.).

"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" means the waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce (see "Waste").

"Hazardous Waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq. or pursuant to Agency guidelines consistent with the requirements of the Act and Board regulations.

- "Industrial Process Waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.-

"Manifest" means the form -provided or prescribed by the Agency and used for identifying name, quantity, and the origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage, as required by this Part, 35 Ill. Adm. Code, Subtitle H, or by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq., or regulations thereunder, -described in 35 Ill. Adm. Code 811.403.

"Permitted Facility" means a facility for which the Agency has issued a RCRA permit pursuant to Section 21(f) of the Act or 35 Ill. Adm. Code 703, or a permit pursuant to Section 21(d) of the Act.

- "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 a current, valid operating permit issued by the agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part specifically

permitting the site to accept a special waste tendered for disposal--

--"Permitted Storage Site" means any site used for the interim containment of special waste prior to disposal or treatment which has a current, valid operating permit issued by the Agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part, specifically permitting the site to accept a special waste tendered for storage--

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

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee.

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

--"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., 1981, 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")-~~ is as defined in 35 Ill. Adm. Code 810.

"Special Waste" ~~-means any "hazardous waste," "industrial process waste" or "pollution control waste."~~ is as defined in 35 Ill. Adm. Code 808.110. Special waste may be either "class A" or "class B" pursuant to 35 Ill. Adm. Code 808.245.

"Special Waste Hauler" means any person who transports special waste from any location.

"Spill" means any accidental discharge of special waste.

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

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

~~"Treatment" means any method, technique or process including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of special waste to render it less dangerous or nonhazardous. "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. 1251 et seq., or source, special nuclear, or byproduct material as

defined by the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., or radioactive materials discarded in accordance with the provisions of Illinois Revised Statutes, 1981, 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., 1981, 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 1004(27) of Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq., "solid waste" as defined in 35 Ill. Adm. Code 810.

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

-SUBPART B: SPECIAL WASTE HAULING PERMITS-

Section 809.201 Special Waste Hauling Permits - General  
(Renumbered)

(Source: Section 809.201 renumbered to Section 809.321 at  
Ill. Reg. , effective )

Section 809.202 Applications for Special Waste Hauling Permit  
- Contents (Renumbered)

(Source: Section 809.202 renumbered to Section 809.422 at  
Ill. Reg. , effective )

Section 809.203 Applications for Special Waste Hauling  
Permit Signatures and Authorization  
(Renumbered)

(Source: Section 809.203 renumbered to Section 809.423 at  
Ill. Reg. , effective )

Section 809.204 Applications for Special Waste Hauling Permit  
Filing and Final Action by the Agency  
(Renumbered)

(Source: Section 809.204 renumbered to Section 809.522 at  
Ill. Reg. , effective )

Section 809.205 Special Waste Hauling Permit Conditions  
(Renumbered)

(Source: Section 809.205 renumbered to Section 809.531 at  
Ill. Reg. , effective )

Section 809.206 Special Waste Hauling Permit Revision  
(Renumbered)

(Source: Section 809.206 renumbered to Section 809.621 at  
Ill. Reg. , effective )



Section 809.207      Transfer of Special Waste Hauling Permits  
(Renumbered)

(Source: Section 809.207 renumbered to Section 809.533 at  
Ill. Reg.                      , effective                      )

Section 809.208      Special Waste Hauling Permit Revocation  
(Renumbered)

(Source: Section 809.208 renumbered to Section 809.622 at  
Ill. Reg.                      , effective                      )

Section 809.209      Permit No Defense (Renumbered)

(Source: Section 809.209 renumbered to Section 809.623 at  
Ill. Reg.                      , effective                      )

Section 809.210      General Exemption from Special Waste Hauling  
Permit Requirements (Repealed)

(Source: Repealed at      Ill. Reg.                      ,  
effective                      )

Section 809.211      Exemptions for Special Waste Haulers  
(Repealed)

(Source: Repealed      Ill. Reg.                      ,  
effective                      )

SUBPART B: GENERAL REQUIREMENTS FOR WASTE HAULERS

Section 809.221      Identification of Vehicles

All vehicles which haul waste must be clearly marked with the  
name of the operator and the operator's telephone number.

- a) The letters must be clearly visible from a distance of  
25 feet.
- b) The color of the letters must contrast with the  
background.
- c) Vehicles must be marked on both the left and right side.

(Source: Added at      Ill. Reg.                      ,  
effective                      )

Section 809.222      Litter and Debris Control

- a) All vehicles which haul waste must be equipped with  
covers to prevent waste from falling or blowing off the  
vehicle.
- b) Covers must be used whenever wastes are hauled.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.223 Odor Control

Putrescible wastes must not be stored in a vehicle more than 24 hours unless the wastes are treated or stored in such a way as to prevent a malodorous odor.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.224 Destination

Haulers of waste shall transport waste only to permitted facilities permitted or authorized to accept the waste materials.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.225 Maintenance

- a) All trucks, tanks and other vehicles used to transport waste must be kept clean.
  - 1) Mud, waste and other debris must be cleaned off the vehicles prior to leaving a permitted facility.
  - 2) Washings must be disposed of to a sewer, to a wastewater treatment plant or to a treatment or disposal unit.
- b) All vehicles and tanks used in special waste hauling must be clean and in good repair when used to haul special waste.
- c) All vehicles, tanks and associated piping and valving, must be constructed and maintained to prevent leakage or spillage.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.226 Operating Requirements

- a) No person shall mix waste in a tank or vehicle if such mixture results in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas.
- b) The special waste hauling equipment and procedures to be used must be proper for the permitted service, and be safe for the haulers, handlers and others.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.227 Parking

Vehicles containing wastes shall not be parked overnight in an area zoned for residential use.

(Source: Added at Ill. Reg. ,  
effective )

~~-SUBPART C: DELIVERY AND ACCEPTANCE-~~

Section 809.301 Requirements for Delivery of Special Waste to Haulers (Repealed)

(Source: Repealed at Ill. Reg. ,  
effective )

Section 809.302 Requirements for Acceptance of Special Waste from Haulers (Repealed)

(Source: Repealed at Ill. Reg. ,  
effective )

SUBPART C: REQUIREMENTS FOR SPECIAL WASTE HAULERS

Section 809.320 Scope and Applicability

Haulers of special waste are required to obtain permits and to comply with certain additional requirements.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.~~201~~-321 Special Waste Hauling Permits- - ~~General-~~

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

(Source: Section 809.321 renumbered from Section 809.201 and amended at Ill. Reg. , effective )

Section 809.~~401~~-322 Vehicle Numbers

- a) ~~Upon issuance of a special waste hauling permit, the-~~ Any owner and operator ~~-of any vehicle used to transport special waste except truck tractors as defined in Subpart A~~ -with a special waste hauling permit shall

display ~~a number issued by the Agency on opposite sides of the permitted-~~on the left and right side of any vehicle used to transport special waste:

1) The following the words, "Licensed Special Waste Hauler: ~~{number}~~ "-", followed by a number issued by the Agency. Numbers and letters ~~shall~~must not be less than two inches high and ~~shall~~must be removable only by destruction.

2) Directly adjacent to ~~said-~~the 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.

b) This Section does not apply to truck tractors.

(Source: Section 809.322 renumbered from Section 809.401 and amended at Ill. Reg. , effective )

Section 809.~~402-~~323 Special Waste Symbols

~~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.~~-49 CFR 171 et seq. and 92 Ill. Adm. Code 171 et seq. require labeling, marking and placarding of some special wastes. Failure to comply with these rules, as determined by the United States Department of Transportation, the Illinois Department of Transportation or a court of competent jurisdiction, is grounds for revocation of a special waste hauling permit in an enforcement action before the Board.

(Source: Section 809.323 renumbered from Section 809.402 and amended at Ill. Reg. , effective )

Section 809.324 Hauler Use of Manifests

a) The hauler shall sign the manifest at the time the waste is delivered to the hauler.

b) The special waste hauler shall deliver the appropriate copies of the completed, signed manifest to the person who accepts delivery of special waste from the hauler pursuant to Section 809.501.

- c) The special waste hauler shall retain one copy of the completed, signed manifest as a record of delivery to receiving the facility.
- d) Every special waste hauler shall retain a copy of each special waste manifest for three years and shall make such copies available at reasonable times for inspection and photocopying by the Agency.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.-~~211~~-331 Exemptions for Special Waste Haulers

The following persons need not obtain a special waste hauling permit or carry a manifest if they haul only the waste indicated:

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act, Ill. Rev. Stat., - ~~1981~~ Ch-1987, ch. 111-1/2, par. 116.301 et seq., and who hauls only septic tank pumpings-~~7~~ need not obtain a special waste hauling permit or carry and complete a manifest under this Part-.
- b) Any person who hauls only livestock waste intended for land application pursuant to -Agency Guideline WPE-2 need not obtain a special waste hauling permit or carry and complete a manifest under this Part-35 Ill. Adm. Code 560.
- c) -Generators and h-Haulers of municipal water or wastewater treatment plant sludge which is to be applied to land and which is -to be -regulated under -35 Ill. Adm. Code- Subtitle E pursuant to -a sludge management scheme approved by the Agency pursuant to 35 Ill. Adm. Code 309.208-need not obtain a special waste hauling permit or prepare~~7~~ carry and complete a manifest under this Part for that sludge-.
- d) Any person licensed in accordance with "An Act in relation to the Disposal of Dead Animals," Ill. Rev. Stat., -~~1981~~ Ch-1987, 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-~~7~~ need not obtain a special waste hauling permit or carry and complete a manifest under this Part-.
- 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., -~~1981~~ Ch-1987, 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 Part-  
in that Act.

- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act, Ill. Rev. Stat., ~~1981~~ Ch. 1987, ch. 111-1/2, par. 211 et seq. need not obtain a special waste hauling permit or carry and complete a manifest under this Part.
- 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 Part.
- 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 Part.
- i) Any person who hauls only declassified waste or refuse.
- j) Any person who hauls only special waste exempted by 35 Ill. Adm. Code 808.123 (small quantity generators).

(Source: Section 809.331 renumbered from Section 809.211 and amended at Ill. Reg. , effective )

Section 809.~~701~~-341 -General Provision-Spills

In order to facilitate the clean-up, transportation or safe treatment, storage or disposal of any waste generated by a 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 Part and 35 Ill. Adm. Code ~~807~~ 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-813. The existence of a written exception from this Agency under this Subpart 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.

(Source: Section 809.341 renumbered from Section 809.701 and amended at Ill. Reg. , effective )

-SUBPART D- VEHICLE NUMBERS AND SYMBOLS-

Section 809.401 Vehicle Numbers (Renumbered)

(Source: Section 809.401 renumbered to Section 809.322 at Ill. Reg. , effective )

Section 809.402 Special Waste Symbols (Renumbered)

(Source: Section 809.402 renumbered to Section 809.323 at Ill. Reg. , effective )

SUBPART D: APPLICATION FOR A SPECIAL WASTE HAULING PERMIT

Section 809.421 Application Forms

Application for a special waste hauling permit must be made on forms provided or promulgated by the Agency.

(Source: Added at Ill. Reg. , effective )

Section 809.-202-422 Contents of Application-Applications for Special Waste Hauling Permit - Contents-

Applications for special waste hauling permits shall ~~be made on application forms prescribed by the Agency which as a minimum shall require~~ contain 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~~ A statement by the vehicle owner and ~~that operator identified in Subsection 809-202(a) that~~ that they will operate in compliance with the requirements of the Act and this Part.
  - 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 Administrative Code Unit of the Office of the Secretary of State pursuant to "Illinois Administrative Procedure Act," (Ill. Rev. Stat., 1981, Ch. 127, par. 1001 et seq.) Additional information which the Agency determines is necessary for it to act on a permit application. The Agency may request additional information in the following ways:
- 1) By adopting rules which are consistent with the Act and this Part; or,
  - 2) By addressing a specific request for additional information to the permit applicant.

(Source: Section 809.422 renumbered from Section 809.202 and amended at Ill. Reg. , effective )

Section 809.-203-423 -Applications for Special Waste Hauling Permit -Signatures- and Authorization-

-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. Special waste hauling permit applications must be signed:

- a) By the owner and operator of the vehicle; or,
- b) By an agent, when accompanied by proof of authority to sign the application.

(Source: Section 809.423 renumbered from Section 809.203 and amended at Ill. Reg. , effective )

Section 809.424 Date of Filing

An application is deemed filed on the date the Agency receives a complete application on the form prescribed.

(Source: Added at Ill. Reg. , effective )

SUBPART E: MANIFESTS, RECORDS AND REPORTING



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

- 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, classification and quantity of the special waste delivered to the hauler. The Agency may provide or prescribe a different form of manifest for Class A special wastes than for Class B special wastes.
- 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 Class A 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 person who delivers Class B special waste to a special waste hauler shall retain one copy of the manifest signed by the deliverer and the special waste hauler; no copy need be provided to the Agency. 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 the remaining three copies of the complete, signed manifest to the person who accepts delivery of special waste from the hauler, except that 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 class A 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. The owner or operator of any permitted disposal, storage or treatment site who accepts class B special waste from a special waste hauler shall send one copy of the completed manifest to the person who delivered the special waste to the special waste hauler at an interval, not to exceed 90 days, mutually agreed upon by the parties; no copy need be provided to the Agency.

- 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--

Section 809.502 Unmanifested Waste Report

- a) A facility which receives a quantity of waste without a manifest shall file an unmanifested waste report.
- b) The unmanifested waste report must be made on forms provided by the Agency, if such are available.
- c) An unmanifested waste report must include the following information:
- 1) The name of the waste hauler;
  - 2) A description of the vehicle;
  - 3) The license number of the vehicle;
  - 4) The name and address of the waste generator as reported by the waste hauler;
  - 5) The name or description of the waste given by the hauler;
  - 6) The approximate quantity of waste;
  - 7) If the facility owner or operator believes that the waste is a special waste, the type of special waste, as defined in 35 Ill. Adm. Code 808, together with a description of the facts which the

owner or operator relied on in determining the type.

- 8) The disposition of the waste.
- d) The facility may accept unmanifested special waste of a type which the facility is authorized to accept, provided the owner or operator files an unmanifested waste report within 10 days after such receipt.
- e) This Section does not authorize a facility to receive hazardous waste.

SUBPART F: REVIEW OF PERMIT APPLICATIONS

Section 809.521 Standard for Permit Issuance

The Agency shall issue a special waste hauling permit if the owner and operator demonstrate that they will haul special waste in compliance with the requirements of the Act and this Part.

(Source: Added at Ill. Reg. ,  
effective )

Section 809.-204-522 -Applications for Special Waste Hauling Permit Filing and -Final Action- by the Agency-

- 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,-Final action includes granting or denying the special waste hauling permit as requested, or granting the special waste hauling permit with conditions.
- 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 filed.
- 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 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--

(Source: Section 809.522 renumbered from Section 809.204 and amended at Ill. Reg. , effective )

Section 809.-~~205~~-531 -Special Waste Hauling -Permit Conditions

- a) In granting a special waste hauling permit-s hereunder-, the Agency -may -shall impose such conditions as -may be-it determines are 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.

(Source: Section 809.531 renumbered from Section 809.205 and amended at Ill. Reg. , effective )

Section 809.-~~601~~-532 Duration of -Special Waste Hauler -Permits and Tank Numbers

- a) -All p-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 809-202-.

(Source: Section 809.532 renumbered from Section 809.601 and amended at Ill. Reg. , effective )

Section 809.-~~207~~-533 Transfer of -Special Waste Hauling -Permits

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.

(Source: Section 809.533 renumbered from Section 809.207 and amended at Ill. Reg. , effective )

-SUBPART F: DURATION OF PERMITS AND TANK NUMBERS-

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

(Source: Section 809.601 renumbered to Section 809.532 at Ill. Reg. , effective )

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

Section 809.-~~206~~-621 Special Waste Hauling Permit Revision  
-Modification

- a) The permittee may request modification of the special waste hauling permit at any time by filing a new permit application.
- b) The Agency may modify aA 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 and so notify the permittee.~~ -Failure of the Agency to issue a  
~~-revised-modified~~ permit shall not excuse the permittee from compliance with any such change.

(Source: Section 809.621 renumbered from Section 809.206 and amended at Ill. Reg. , effective )

Section 809.-~~208~~-622 Special Waste Hauling Permit Revocation

Violation 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 Section 33(b) of the Act, including revocation of the permit- as therein provided-.

(Source: Section 809.622 renumbered from Section 809.208 and amended at Ill. Reg. , effective )

Section 809.-~~209~~-623 Permit No Defense

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

(Source: Section 809.623 renumbered from Section 809.209 and amended at Ill. Reg. , effective )

~~-SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS-~~

Section 809.701 General Provision (Renumbered)  
(Source: Section 809.701 renumbered to Section 809.341 at Ill. Reg. , effective )

SUBPART H: EFFECTIVE DATES-

Section 809.801 Compliance Date (Repealed)

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

(Source: Repealed at Ill. Reg. ,  
effective )

Section 809.802 Exceptions (Repealed)

-Every person subject to the provisions of Sections 809.201, 809.301, 809.302, 809.401, 809.402 and 809.501 shall comply with such rules 120 days after the effective date of this Part--

(Source: Repealed at Ill. Reg. ,  
effective )

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE-

Section 809.901 Definitions (Repealed)

-For the purposes of this Subpart only:

"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:

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

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 mucous 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

medical and patient care items contaminated during surgery when the case is infectious, and tissues (human or animal), pathological waste, and items that are contaminated by an infectious agent, and

bacteriological cultures and blood or other excreta that are products from bacteriological testing, and

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 B "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 sanitarium, mental or psychiatric hospitals and sanitarium, 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, out-patient 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 Subpart 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 Subpart 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 micro-organisms by moist or dry heat or by bactericidal chemical compounds--

(Source: Repealed at Ill. Reg. ,  
effective )

Section 809.902 Disposal Methods (Repealed)

- 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 Sections 809.903 and 809.904, 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--

(Source: Repealed at Ill. Reg. ,  
effective )

Section 809.903 Rendering Innocuous by Sterilization  
(Repealed)

-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--

(Source: Repealed at Ill. Reg. ,  
effective )

Section 809.904 Rendering Innocuous by Incineration (Repealed)



- 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 35 Ill. Adm. Code, Subtitle B, Chapter 1 (prior to codification, Chapter 2: Air Pollution) 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 this Part and 35 Ill. Adm. Code 807 for disposal of any other incinerator ash.--

(Source: Repealed at Ill. Reg. ,  
effective )

Section 809.905 Recordkeeping Requirements for Generators  
(Repealed)

- 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 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).--

(Source: Repealed at Ill. Reg. ,  
effective )

Section 809.906 Defense to Enforcement Action (Repealed)

-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 Section 809-202(a)--

(Source: Repealed at Ill. Reg. , effective )

Section 809.Appendix A Old Rule Numbers Referenced (Repealed)

-The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification-

Chapter 9: Special Waste 35 Ill. Adm. Code 809 Hauling

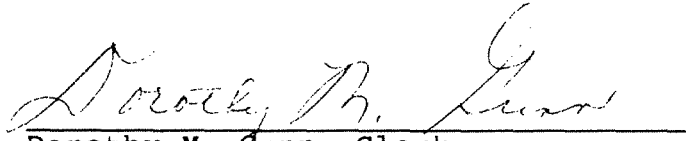
Rule 101	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-101
Rule 102	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-102
Rule 103	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-103
Rule 201	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-201
Rule 202	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-202
Rule 203	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-203
Rule 204	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-204
Rule 205	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-205
Rule 206	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-206
Rule 207	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-207
Rule 208	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-208
Rule 209	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-209
Rule 210	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-210
Rule 211	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-211
Rule 301	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-301
Rule 302	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-302
Rule 401	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-401
Rule 402	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-402
Rule 501	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-501
Rule 601	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-601
Rule 701	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-701
Rule 801	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-801
Rule 802	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-802
Rule 901	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-901
Rule 902	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-902
Rule 903	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-903
Rule 904	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-904
Rule 905	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-905
Rule 906	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Section 809-906-

(Source: Repealed at Ill. Reg. , effective )

IT IS SO ORDERED:

J. Dumelle, B. Forcade and M. Nardulli dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 10<sup>th</sup> day of August, 1989, by a vote of 4-3.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

CONVERSION TABLE, STS DRAFT TO BOARD DRAFT

STS DRAFT (7-12-89)

BOARD DRAFT (7-31-89)

STS DRAFT (7-12-89)	BOARD DRAFT (7-31-89)
Subpart A: General Provision	Subpart A: General Provision
808.100	808.100
808.101	808.101
808.110	808.110
808.121	808.121
808.122	808.122
808.123	808.123
Subpart B: Application for Wastestream I.D. Number	N/A
800.200 - 808.220	N/A
Subpart C: <u>Application for Wastestream Categorization</u>	Subpart D: Request for <u>Waste Classification</u>
808.240	808.400
808.241	808.401
808.242: Application for Waste <u>Categorization</u>	808.402: Application for Waste <u>Classification</u>
808.250	808.410
808.251	808.411
808.252	808.412
808.253	808.413
808.260	808.420
808.270	808.430
808.271	808.431
Subpart D: Application to Declassify 808.280	N/A
808.282	N/A
Subpart E: <u>Types of Special Wastes</u>	Subpart B: <u>Classes of Wastes</u>
808.300: <u>Types of Special Wastes</u>	808.240: <u>Special Waste Classes</u>
808.301: Request to Classify as Type D	N/A
808.302: Hazardous Waste	N/A
808.303: Classification Based on Inadequate Information	808.241: Default Classification of Special Wastes
808.304	808.242
808.305	808.243
808.306	808.244

CONVERSION TABLE, STS DRAFT TO BOARD DRAFT

STS DRAFT (7-12-89)

BOARD DRAFT (7-31-89)

Subpart E: Types of Special Wastes

808.307  
808.308

Subpart B: Classes of Special Wastes

808.245  
808.246

Subpart F: Review of Application

808.401  
808.402  
808.403: Standard for Agency Action  
808.404

Subpart E: Review of Classification Requests

808.502  
808.501  
808.503 (Partial):  
Standard for Classification  
808.520 (in Subpart F)

Subpart G: Conditions

808.421: Conditions of Wastestream I.D. Numbers  
808.422: Conditions of Wastestream Categorization  
808.423: Conditions of Wastestream Declassification  
808.431

Subpart F: Wastestream Classification Determination

N/A  
808.521: Conditions of Wastestream Classification  
N/A (But see 808.521)

Subpart H: Modification, Appeal and Enforcement

808.441  
808.451  
808.461  
808.462  
808.463  
808.471  
808.481

Subpart G: Modification, Appeal and Enforcement

808.541  
808.542  
N/A  
808.543  
N/A (But see 808.543)  
808.544  
808.545

Subpart I: Certification of Computer Programs

808.500  
808.501: Application for Certification  
808.502: Certification

Subpart C: Criteria and Data Requirements

808.300  
N/A (But see 808.301)  
N/A "

CONVERSION TABLE, STS DRAFT TO BOARD DRAFT

STS DRAFT (7-12-89)

BOARD DRAFT (7-31-89)

808.503: Decertification	N/A	"
808.504: Appeal	N/A	"
808.510: Degree of Hazard	N/A	"
Subpart I: <u>Certification of Computer Programs</u>	Subpart C: <u>Criteria and Data Requirements</u>	
N/A	808.301: Degree of Hazard Determination by Computer	
808.511	808.302 (Modified)	
Subpart J: Categorical and Characteristic Wastes	Subpart H: Categorical and Characteristic Wastes	
808.600	808.600	
808.601: Infectious Hospital Wastes	808.601: Hazardous (Infectious) Hospital Wastes	
Appendix A	Appendix A (Modified)	
Appendix B	Appendix B	
Appendix C	Appendix C	
Appendix D	Appendix D	

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The Balance of the proposal is essentially the same organizationally, except STS Section 808.411 on Page 59 (Unmanifested Waste Report) has been relocated in the Board draft to Section 809.502