

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Nonhazardous Special Waste Hauling and the Uniform Program
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
809.211	Amend
809.301	Amend
809.302	Amend
809.501	Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, and 22.2 and 27] (see P.A. 90-219)
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking see the Board's May 1, 2008, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 808, 809, (R06-20). The amendments, initiated by a proposal filed on December 13, 2005, by NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, are intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), used oil that is defined by, and managed in accordance with, Part 739 (35 Ill. Adm. Code 739). Additionally, the amendments are intended to exempt from the special waste hauling permit requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), shipments that contain no special waste other than used oil that is defined by and managed in accordance with Part 739 (35 Ill. Adm. Code 739).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, states that it used no published study or report in developing its proposal.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R06-20 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Tim Fox, at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at www.ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services originally proposed these regulations. The substantive amendments affect any generators and transporters of used oil that are defined by and managed in accordance with the Board's used oil management regulations.
- B) Reporting, bookkeeping or other procedures required for compliance: As the proposed rulemaking would provide an exemption from existing requirements, it does not require procedures for compliance.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendments begins on the next page:

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

PART 809
NONHAZARDOUS SPECIAL WASTE HAULING
AND THE UNIFORM PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
809.101 Authority, Policy and Purposes
809.102 Severability
809.103 Definitions
809.104 Incorporations by Reference
809.105 Public Records

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

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809.201 Nonhazardous Special Waste Hauling Permits - General
809.202 Applications for Nonhazardous Special Waste Hauling Permit -
Contents
809.203 Applications for Nonhazardous Special Waste Hauling Permit -
Signatures and Authorization
809.204 Applications for Nonhazardous Special Waste Hauling Permit - Filing
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809.205 Nonhazardous Special Waste Hauling Permit Conditions
809.206 Nonhazardous Special Waste Hauling Permit Revision
809.207 Transfer of Nonhazardous Special Waste Hauling Permits
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809.209 Permit No Defense
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SUBPART C: DELIVERY AND ACCEPTANCE

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

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section
809.401 Permit Availability
809.402 Nonhazardous Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

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

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

Section

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

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section

809.701 General Provision

SUBPART H: EFFECTIVE DATES

Section

809.801 Compliance Date

809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section

809.901 Definitions (Repealed)

809.902 Disposal Methods (Repealed)

809.903 Rendering Innocuous by Sterilization (Repealed)

809.904 Rendering Innocuous by Incineration (Repealed)

809.905 Recordkeeping Requirements for Generators (Repealed)

809.906 Defense to Enforcement Action (Repealed)

SUBPART J: UNIFORM PROGRAM

Section

809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program

809.911 Application for a Uniform Permit

809.912 Application for Uniform Registration

809.913 Payment of Processing and Audit Fees

809.914 Payment of Apportioned Mile Fees

809.915 Submittal of Fees

809.916 Previously Permitted Transporters

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809.918 Uniform Registration and Uniform Permit Revision

809.919 Transfer of Uniform Registration and Uniform Permits

809.920 Audits and Uniform Registration and Uniform Permit Revocation

809.921 Permit No Defense

809.APPENDIX A Old Rule Numbers Referenced (Repealed)

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

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg.

~~13640~~, 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 at 32 Ill. Reg. _____, effective _____.

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Section 809.211 Exemptions for Nonhazardous Special Waste Transporters

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

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act [225 ILCS 225] and who hauls only septic tank pumpings.
- b) Any person who hauls only livestock waste intended for land application pursuant to 35 Ill. Adm. Code 560.
- c) Transporters of municipal water or wastewater treatment plant sludge that is to be applied to land and that is regulated under a sludge management scheme approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.
- d) Any person licensed in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer.
- e) Any person operating under rules and regulations adopted pursuant to the Illinois Oil and Gas Act [225 ILCS 725] and who hauls only oil and gas extraction wastes as defined in that Act.
- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act [420 ILCS 40].
- g) Any person who hauls only coal combustion fly ash.
- h) Any person who hauls only declassified waste or refuse.
- i) Any person who hauls only special waste exempted by 35 Ill. Adm. Code 808.123 (small quantity generators of 220 pounds or less per month of special waste).
- j) Any person who hauls potentially infectious medical waste that is regulated under 35 Ill. Adm. Code Subtitle M.
- k) Any person who hauls used tires regulated under 35 Ill. Adm. Code 848.
- l) Any person who hauls only used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739, and who has registered with the Agency as a used oil transporter.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART C: DELIVERY AND ACCEPTANCE

Section 809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters

No person may deliver any special waste generated within Illinois or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste transporter who holds a current nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or C of this Part. The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739. A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a used oil transporter.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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

a) No person may accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter unless the special waste transporter has a valid nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or J of this Part and concurrently presents to the receiver of the special waste, or the receiver's agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste. The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739. A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a used oil transporter.

b) No person may deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART E: MANIFESTS, RECORDS AND REPORTING

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

a) Any person who delivers special waste to a permitted nonhazardous special or hazardous waste transporter shall complete a uniform hazardous waste manifest to accompany the special waste from delivery to the destination of the special waste. The manifest form will be provided or prescribed by the Agency. The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739. A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and

managed in accordance with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a used oil transporter.

b) The transporter shall include in the manifest the following:

- 1) The name of the generator of the special waste and generator number;
- 2) Information stating when and where the special waste was generated;
- 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
- 4) The name and permit number of the transporter;
- 5) The date of delivery; and
- 6) The classification and quantity of the special waste delivered to the transporter.

c) Manifest copies to be sent to the Agency:

- 1) Every person who delivers RCRA hazardous waste or polychlorinated biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois manifest to the Agency within two days after the shipment. Every person who accepts RCRA hazardous waste or PCB waste from a transporter shall submit a copy of the Illinois manifest to the Agency within 30 days after receipt.
- 2) A person who delivers RCRA hazardous waste or PCB wastes to a transporter on another state's manifest, such as where the destination state requires use of its manifest, does not have to submit manifest copies to the Agency.
- 3) A person who delivers non-RCRA hazardous wastes or non-PCB wastes to a transporter does not have to send a copy of the manifest to the Agency. A person who accepts non-RCRA hazardous waste or non-PCB wastes from a transporter does not have to send a copy of the manifest to the Agency.

d) The manifest will consist of at least four parts, in contrasting colors, such that an entry or signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste transporter, acknowledging the delivery. The top part of the manifest shall also be signed by the special waste transporter, acknowledging receipt of the special waste. The person who delivers special waste to a special waste transporter shall retain the designated parts of the manifest as a record. The remaining parts of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

e) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste transporter shall be conducted under a manifest initiated by the permitted disposal, storage or treatment site.

f) In all cases, the special waste transporter shall deliver the designated parts of the complete, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter shall retain

the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste transporter shall send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.

g) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter shall retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts shall be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.

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

h) Every generator who delivers nonhazardous special waste via a transporter to a facility located outside Illinois shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports shall, at a minimum, include the information specified in subsection (i) of this Section and should be received by the Agency no later than February 1.

i) Every annual report required to be filed with the Agency by a generator for waste going out of state pursuant to subsection (h) of this Section shall include the following:

1) The IEPA identification number, name and address of the generator;

2) The period (calendar year) covered by the report;

3) The IEPA identification number, name and address for each off-site treatment, storage or disposal facility to which waste was shipped during the period;

4) The name and IEPA special waste hauling number of each transporter used during the period for shipments to a treatment, storage or disposal facility;

5) A description and the total quantity of each nonhazardous special waste shipped out of state, listed by IEPA identification number of each receiving site;

6) The method of treatment, storage or disposal for each nonhazardous special waste; and

7) A certification signed by the generator or the generator's authorized representative.

j) Every in-State facility that accepts nonhazardous special waste from a nonhazardous special waste transporter shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports should, at a minimum, include the information specified in subsection (k) of this Section and be received by the Agency no

later than February 1. This subsection is applicable to all nonhazardous special wastes that are delivered to a nonhazardous special waste transporter on or after January 1, 1991.

k) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a nonhazardous special waste transporter pursuant to subsection (j) of this Section shall include the following information:

- 1) The IEPA identification number, name and address of the facility;
- 2) The period (calendar year) covered by the report;
- 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
- 4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information shall be listed by IEPA identification number of each generator;
- 5) The method of treatment, storage or disposal for each nonhazardous special waste; and
- 6) A certification signed by the owner or operator of the facility or the owner's or operator's authorized representative.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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~~POLLUTION CONTROL BOARD~~

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1ST NOTICE VERSION

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2 SUBTITLE G: WASTE DISPOSAL
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19 SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS
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36 809.212 Duration of Nonhazardous Special Waste Hauling Permits
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38 SUBPART C: DELIVERY AND ACCEPTANCE
39

40 Section
41 809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters
42 809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from
43 Transporters

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SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

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

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98 809.APPENDIX A Old Rule Numbers Referenced (Repealed)

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117 SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

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119 **Section 809.211 Exemptions for Nonhazardous Special Waste Transporters**

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121 The following persons need not obtain a nonhazardous special waste hauling permit nor carry a
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181 **Section 809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous**
182 **Waste from Transporters**

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196 registered with the Agency as a used oil transporter.

197
198 b) No person may deliver special waste in Illinois for disposal, storage or treatment
199 unless the person who accepts the special waste has a current, valid operating
200 permit issued by the Agency and the necessary supplemental permits required by
201 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the
202 Act and Board regulations.

203
204 (Source: Amended at 32 Ill. Reg. _____, effective _____)
205

206 SUBPART E: MANIFESTS, RECORDS AND REPORTING

207
208 **Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and**
209 **Forms**

210
211 a) Any person who delivers special waste to a permitted nonhazardous special or
212 hazardous waste transporter shall complete a uniform hazardous waste manifest to
213 accompany the special waste from delivery to the destination of the special waste.
214 The manifest form will be provided or prescribed by the Agency. The generator
215 or transporter is not required to complete a manifest for used oil that is defined by

216 and managed in accordance with 35 Ill. Adm. Code 739. A transporter is not
217 required to have a special waste hauling permit to transport a load that contains no
218 special waste other than used oil that is defined by and managed in accordance
219 with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a
220 used oil transporter.

221
222 b) The transporter shall include in the manifest the following:

- 223
224 1) The name of the generator of the special waste and generator number;
225
226 2) Information stating when and where the special waste was generated;
227
228 3) The name of the person from whom delivery is accepted and the name of
229 the site from which delivered;
230
231 4) The name and permit number of the transporter;
232
233 5) The date of delivery; and
234
235 6) The classification and quantity of the special waste delivered to the
236 transporter.

237
238 c) Manifest copies to be sent to the Agency:

- 239
240 1) Every person who delivers RCRA hazardous waste or polychlorinated
241 biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois
242 manifest to the Agency within two days after the shipment. Every person
243 who accepts RCRA hazardous waste or PCB waste from a transporter
244 shall submit a copy of the Illinois manifest to the Agency within 30 days
245 after receipt.
246
247 2) A person who delivers RCRA hazardous waste or PCB wastes to a
248 transporter on another state's manifest, such as where the destination state
249 requires use of its manifest, does not have to submit manifest copies to the
250 Agency.
251
252 3) A person who delivers non-RCRA hazardous wastes or non-PCB wastes
253 to a transporter does not have to send a copy of the manifest to the
254 Agency. A person who accepts non-RCRA hazardous waste or non-PCB
255 wastes from a transporter does not have to send a copy of the manifest to
256 the Agency.

257
258 d) The manifest will consist of at least four parts, in contrasting colors, such that an

259 entry or signature on one part will be directly reproduced upon all underlying
 260 parts. The top part of the manifest shall be signed by the person who delivers
 261 special waste to a special waste transporter, acknowledging the delivery. The top
 262 part of the manifest shall also be signed by the special waste transporter,
 263 acknowledging receipt of the special waste. The person who delivers special
 264 waste to a special waste transporter shall retain the designated parts of the
 265 manifest as a record. The remaining parts of the manifest shall accompany the
 266 special waste shipment. At the destination, the manifest shall be signed by the
 267 person who accepts special waste from a special waste transporter,
 268 acknowledging receipt of the special waste.
 269

270 e) A permitted site that receives special waste for disposal, storage or treatment of
 271 special waste must be designated on the manifest as the final destination point.
 272 Any subsequent delivery of the special waste or any portion or product thereof to
 273 a special waste transporter shall be conducted under a manifest initiated by the
 274 permitted disposal, storage or treatment site.
 275

276 f) In all cases, the special waste transporter shall deliver the designated parts of the
 277 complete, signed manifest to the person who accepts delivery of special waste
 278 from the transporter. The special waste transporter shall retain the designated part
 279 of the complete, signed manifest as a record of delivery to a permitted disposal,
 280 storage or treatment site. In addition, at the end of each month, or longer if
 281 approved by the Agency, the owner and the operator of the permitted disposal,
 282 storage or treatment site who accepts special waste from a special waste
 283 transporter shall send the designated part of the completed manifest to the person
 284 who delivered the special waste to the special waste transporter.
 285

286 g) Every generator who delivers special waste to a special waste transporter, every
 287 person who accepts special waste from a special waste transporter and every
 288 special waste transporter shall retain their respective parts of the special waste
 289 manifest as a record of all special waste transactions. These parts shall be
 290 retained for three years and will be made available at reasonable times for
 291 inspection and photocopying by the Agency.
 292

293 BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and
 294 725 relative to RCRA hazardous wastes are not affected by this subsection.
 295 Generators and receiving facilities subject to those Parts shall continue to supply
 296 designated copies of all manifests to the Agency.
 297

298 h) Every generator who delivers nonhazardous special waste via a transporter to a
 299 facility located outside Illinois shall file a report, on forms prescribed or provided
 300 by the Agency, summarizing all such activity during the preceding calendar year.
 301 Such reports shall, at a minimum, include the information specified in subsection

- 302 (i) of this Section and should be received by the Agency no later than February 1.
303
304 i) Every annual report required to be filed with the Agency by a generator for waste
305 going out of state pursuant to subsection (h) of this Section shall include the
306 following:
307
308 1) The IEPA identification number, name and address of the generator;
309
310 2) The period (calendar year) covered by the report;
311
312 3) The IEPA identification number, name and address for each off-site
313 treatment, storage or disposal facility to which waste was shipped during
314 the period;
315
316 4) The name and IEPA special waste hauling number of each transporter
317 used during the period for shipments to a treatment, storage or disposal
318 facility;
319
320 5) A description and the total quantity of each nonhazardous special waste
321 shipped out of state, listed by IEPA identification number of each
322 receiving site;
323
324 6) The method of treatment, storage or disposal for each nonhazardous
325 special waste; and
326
327 7) A certification signed by the generator or the generator's authorized
328 representative.
329
330 j) Every in-State facility that accepts nonhazardous special waste from a
331 nonhazardous special waste transporter shall file a report, on forms prescribed or
332 provided by the Agency, summarizing all such activity during the preceding
333 calendar year. Such reports should, at a minimum, include the information
334 specified in subsection (k) of this Section and be received by the Agency no later
335 than February 1. This subsection is applicable to all nonhazardous special wastes
336 that are delivered to a nonhazardous special waste transporter on or after January
337 1, 1991.
338
339 k) Every annual report required to be filed with the Agency by a person accepting
340 nonhazardous special waste from a nonhazardous special waste transporter
341 pursuant to subsection (j) of this Section shall include the following information:
342
343 1) The IEPA identification number, name and address of the facility;
344

- 345 2) The period (calendar year) covered by the report;
346
347 3) The IEPA identification number, name and address of each nonhazardous
348 special waste generator from which the facility received a nonhazardous
349 special waste during the period;
350
351 4) A description and the total quantity of each nonhazardous special waste
352 the facility received from off-site during the period. This information
353 shall be listed by IEPA identification number of each generator;
354
355 5) The method of treatment, storage or disposal for each nonhazardous
356 special waste; and
357
358 6) A certification signed by the owner or operator of the facility or the
359 owner's or operator's authorized representative.
360

361 (Source: Amended at 32 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Waste Classifications
- 2) Code Citation: 35 Ill. Adm. Code 808
- 3) Section Number: 808.121 Proposed Action: Amend
- 4) Statutory Authority: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27]
- 4) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's May 1, 2008 opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 808, 809, (R06-20). The amendments, initiated by a proposal filed on December 13, 2005, by NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, are intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), used oil that is defined by, and managed in accordance, with Part 739 (35 Ill. Adm. Code 739). Additionally, the amendments are intended to exempt from the special waste hauling permit requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), shipments that contain no special waste other than used oil that is defined by and managed in accordance with Part 739 (35 Ill. Adm. Code 739).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, states that it used no published study or report in developing its proposal.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendment does not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R06-20 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

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Address all questions to Tim Fox, at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at www.ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services originally proposed these regulations. The substantive amendments affect any generators and transporters of used oil that are defined by and managed in accordance with the Board's used oil management regulations.
 - B) Reporting, bookkeeping or other procedures required for compliance: As the proposed rulemaking would provide an exemption from existing requirements, it does not require procedures for compliance.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendment begins on the next page:

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

SUBPART A: GENERAL PROVISIONS

Section
808.100 Purpose, Scope and Applicability
808.101 Transitional Rule
808.110 Definitions
808.111 Incorporations by Reference
808.121 Generator Obligations
808.122 Manifests
808.123 Small Quantity Generators

SUBPART B: CLASSES OF SPECIAL WASTE

Section
808.240 Special Waste Classes
808.241 Default Classification of Special Wastes
808.242 Special Handling Waste
808.243 Wastes Categorized by Source
808.244 Wastes Categorized by Characteristics
808.245 Classification of Wastes

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section
808.300 Introduction
808.301 Degree of Hazard Determination by Computer
808.302 Data Base and Bioassay Procedures

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section
808.400 Introduction
808.401 Application Forms
808.402 Application for Waste Classification
808.410 Physical and Chemical Analysis
808.411 Significant Trace Constituents
808.412 Common Names
808.413 Wastestream Description
808.420 Quality Assurance Plan
808.430 Degree of Hazard Data
808.431 Toxicological Testing

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

Section
808.501 Order of Requesting Information
808.502 Completeness
808.503 Standard for Classification

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

Section

808.520 Time for Agency Action
808.521 Conditions of Wastestream Classification
808.522 Final Agency Action

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

Section

808.541 Request for Modification
808.542 Appeal
808.543 Effect of Classification
808.544 Enforcement
808.545 Modification

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

Section

808.600 Introduction

808.APPENDIX A Assignment Of Special Waste To Classes
808.APPENDIX B Toxicity Hazard

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9].

SOURCE: Adopted in R89-13A at 14 Ill. Reg. 14043, effective August 15, 1990; amended in R98-29 at 23 Ill. Reg. 6875, effective July 1, 1999; amended in R06-20 at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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 transporter unless the waste is accompanied by a manifest as specified in Section 808.122, and the transporter 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 transporter and waste are subject to a transporter exemption under 35 Ill. Adm. Code 809.211.
- 3) The Agency has determined pursuant to this Part that the waste is not a special waste.

4) The waste consists of municipal water or wastewater treatment plant sludge regulated under a sludge management plan approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.

5) The generator is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.

6) A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a used oil transporter.

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 807 [415 ILCS 5/21(d) and (e)]—~~(Sections 21(d) and (e) of the Act); or; 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 [415 ILCS 5/21(d)]—~~(Section 21(d) of the Act)~~.

d) No person shall deliver special waste to a transporter or a permitted facility without a supplemental wastestream permit.

e) No person shall deliver to a transporter or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING
5

6 PART 808
7 SPECIAL WASTE CLASSIFICATIONS
8

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16	808.121	Generator Obligations
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27	808.244	Wastes Categorized by Characteristics
28	808.245	Classification of Wastes

29
30 SUBPART C: CRITERIA AND DATA REQUIREMENTS
31

32	Section	
33	808.300	Introduction
34	808.301	Degree of Hazard Determination by Computer
35	808.302	Data Base and Bioassay Procedures

36
37 SUBPART D: REQUEST FOR WASTE CLASSIFICATION
38

39	Section	
40	808.400	Introduction
41	808.401	Application Forms
42	808.402	Application for Waste Classification
43	808.410	Physical and Chemical Analysis

- 44 808.411 Significant Trace Constituents
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52

53 Section

- 54 808.501 Order of Requesting Information
- 55 808.502 Completeness
- 56 808.503 Standard for Classification

57

58 SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

59

60 Section

- 61 808.520 Time for Agency Action
- 62 808.521 Conditions of Wastestream Classification
- 63 808.522 Final Agency Action

64

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66

67 Section

- 68 808.541 Request for Modification
- 69 808.542 Appeal
- 70 808.543 Effect of Classification
- 71 808.544 Enforcement
- 72 808.545 Modification

73

74 SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

75

76 Section

- 77 808.600 Introduction

78

- 79 808.APPENDIX A Assignment Of Special Waste To Classes

- 80 808.APPENDIX B Toxicity Hazard

81

82 AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of
83 the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9].

84

85 SOURCE: Adopted in R89-13A at 14 Ill. Reg. 14043, effective August 15, 1990; amended in
86 R98-29 at 23 Ill. Reg. 6875, effective July 1, 1999; amended in R06-20 at 32 Ill. Reg. _____,
87 effective _____.
88

89 SUBPART A: GENERAL PROVISIONS

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91 **Section 808.121 Generator Obligations**

- 92
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94 waste.
95

96 BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if
97 the waste is a hazardous waste.
98

- 99 b) No person shall deliver special waste to a transporter unless the waste is
100 accompanied by a manifest as specified in Section 808.122, and the transporter
101 has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The
102 following are exceptions to this prohibition:
103

104 1) The person is subject to the small quantity generator exemption of Section
105 808.123.
106

107 2) The transporter and waste are subject to a transporter exemption under 35
108 Ill. Adm. Code 809.211.
109

110 3) The Agency has determined pursuant to this Part that the waste is not a
111 special waste.
112

113 4) The waste consists of municipal water or wastewater treatment plant
114 sludge regulated under a sludge management plan approved by the
115 Agency pursuant to 35 Ill. Adm. Code 309.208.
116

117 5) The generator is not required to complete a manifest for used oil that is
118 defined by and managed in accordance with 35 Ill. Adm. Code 739.
119

120 6) A transporter is not required to have a special waste hauling permit to
121 transport a load that contains no special waste other than used oil that is
122 defined by and managed in accordance with 35 Ill. Adm. Code 739 if the
123 transporter has registered with the Agency as a used oil transporter.
124

- 125 c) *No person shall cause, threaten or allow the treatment, storage or disposal of*
126 *special waste in Illinois except:*
127

- 128
129
130
131
132
133
134
135
- 1) *At a facility permitted or otherwise authorized to manage the special waste pursuant to 35 Ill. Adm. Code 703 or 807 [415 ILCS 5/21(d) and (e)](Sections 21(d) and (e) of the Act); 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 [415 ILCS 5/21(d)](Section 21(d) of the Act).*

- 136
137
138
139
140
141
142
143
- d) No person shall deliver special waste to a transporter or a permitted facility without a supplemental wastestream permit.
 - e) No person shall deliver to a transporter or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

(Source: Amended at 32 Ill. Reg. _____, effective _____)