

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Used Oil
- 2) Code Citation: 35 Ill. Adm. Code 739
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
739.146	Amend
739.156	Amend
739.165	Amend
739.174	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]
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's August 20, 2009 opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20). NORA, an Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, initiated these amendments by filing an amended rulemaking proposal with the Board on September 22, 2008. The proposed amendments 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) and also to exempt from those requirements four specific mixture of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this rulemaking replace any emergency rulemakings 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or

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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
Thompson Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address 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 defined by, and managed in accordance with, the Board's used oil management regulations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - 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 c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739
STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100 Definitions

SUBPART B: APPLICABILITY

Section
739.110 Applicability
739.111 Used Oil Specifications
739.112 Prohibitions
739.113 Electronic Reporting

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120 Applicability
739.121 Hazardous Waste Mixing
739.122 Used Oil Storage
739.123 On-Site Burning in Space Heaters
739.124 Off-Site Shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS
AND AGGREGATION POINTS

Section
739.130 Do-It-Yourselfer Used Oil Collection Centers
739.131 Used Oil Collection Centers
739.132 Used Oil Aggregate Points Owned by the Generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER
AND TRANSFER FACILITIES

Section
739.140 Applicability
739.141 Restrictions on Transporters that Are Not Also Processors
739.142 Notification
739.143 Used Oil Transportation
739.144 Rebuttable Presumption for Used Oil
739.145 Used Oil Storage at Transfer Facilities
739.146 Tracking
739.147 Management of Residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150 Applicability
739.151 Notification
739.152 General Facility Standards

739.153 Rebuttable Presumption for Used Oil
739.154 Used Oil Management
739.155 Analysis Plan
739.156 Tracking
739.157 Operating Record and Reporting
739.158 Off-Site Shipments of Used Oil
739.159 Management of Residues

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160 Applicability
739.161 Restriction on Burning
739.162 Notification
739.163 Rebuttable Presumption for Used Oil
739.164 Used Oil Storage
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SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170 Applicability
739.171 Prohibitions
739.172 On-Specification Used Oil Fuel
739.173 Notification
739.174 Tracking
739.175 Notices

SUBPART I: DISPOSAL OF USED OIL

Section
739.180 Applicability
739.181 Disposal
739.182 Use As a Dust Suppressant

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008; amended in R06-20 at 33 Ill. Reg. _____, effective _____.

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER
AND TRANSFER FACILITIES

Section 739.146 Tracking

a) Acceptance. A used oil transporter must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the following:

1) The name and address of the generator, transporter, or processor that provided the used oil for transport;

2) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor that provided the used oil for transport;

3) The quantity of used oil accepted;

4) The date of acceptance; and

5) The signature.

A) Except as provided in subsection (a)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner that provided the used oil for transport.

B) An intermediate rail transporter is not required to sign the record of acceptance.

6) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Deliveries. A used oil transporter must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include the following:

1) The name and address of the receiving facility or transporter;

- 2) The USEPA identification number and Illinois special waste identification number of the receiving facility or transporter;
 - 3) The quantity of used oil delivered;
 - 4) The date of delivery;
 - 5) The signature.
- A) Except as provided in subsection (b)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
- B) An intermediate rail transporter is not required to sign the record of acceptance.
- c) Exports of used oil. A used oil transporter must maintain the records described in subsections (b)(1) through (b)(4) of this Section for each shipment of used oil exported to any foreign country.
- d) Record retention. The records described in subsections (a), (b), and (c) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.156 Tracking

- a) Acceptance. A used oil processor must keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
- 1) The name and address of the transporter that delivered the used oil to the processor;
 - 2) The name and address of the generator or processor from whom the used oil was sent for processing;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the processor;
 - 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
 - 5) The quantity of used oil accepted; and
 - 6) The date of acceptance.
- 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:
- A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Deliveries. A used oil processor must keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:

1) The name and address of the transporter that delivers the used oil to the burner, processor, or disposal facility;

2) The name and address of the burner, processor, or disposal facility that will receive the used oil;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner, processor or disposal facility;

4) The USEPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility that will receive the used oil;

5) The quantity of used oil shipped;

6) The date of shipment.

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the transporter must also keep a record including the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport

according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

c) Record retention. The records described in subsections (a) and (b) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.165 Tracking

a) Acceptance. A used oil burner must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

1) The name and address of the transporter that delivered the used oil to the burner;

2) The name and address of the generator or processor from whom the used oil was sent to the burner;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the burner;

4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;

5) The quantity of used oil accepted; and

6) The date of acceptance.

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the transporter must also keep a record including the following:

A Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of

this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Record retention. The records described in subsection (a) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.174 Tracking

a) Off-specification used oil delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

1) The name and address of the transporter that delivers the used oil to the burner;

2) The name and address of the burner that will receive the used oil;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;

4) The USEPA identification number and Illinois special waste identification number of the burner;

5) The quantity of used oil shipped; and

6) The date of shipment.

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the transporter must also keep a record including the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) On-specification used oil delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:

- 1) The name and address of the facility receiving the shipment;
- 2) The quantity of used oil fuel delivered;
- 3) The date of shipment or delivery; and
- 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).

c) Record retention. The records described in subsections (a) and (b) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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~~POLLUTION CONTROL BOARD~~

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Format changed	0
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1ST NOTICE VERSION

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1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

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14 SUBPART B: APPLICABILITY

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19 739.112 Prohibitions
20 739.113 Electronic Reporting

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- 50 739.147 Management of Residues

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- 59 739.154 Used Oil Management
- 60 739.155 Analysis Plan
- 61 739.156 Tracking
- 62 739.157 Operating Record and Reporting
- 63 739.158 Off-Site Shipments of Used Oil
- 64 739.159 Management of Residues

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66 SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
67 OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

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- 71 739.161 Restriction on Burning
- 72 739.162 Notification
- 73 739.163 Rebuttable Presumption for Used Oil
- 74 739.164 Used Oil Storage
- 75 739.165 Tracking
- 76 739.166 Notices
- 77 739.167 Management of Residues

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79 SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

80

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- 84 739.172 On-Specification Used Oil Fuel
- 85 739.173 Notification
- 86 739.174 Tracking

87 739.175 Notices

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SUBPART I: DISPOSAL OF USED OIL

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91 Section

92 739.180 Applicability

93 739.181 Disposal

94 739.182 Use As a Dust Suppressant

95

96 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
97 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

98

99 SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in
100 R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616,
101 effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995;
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105 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective
106 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008;
107 amended in R06-20 at 33 Ill. Reg. _____, effective _____.

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SUBPART E: STANDARDS FOR USED OIL TRANSPORTER
AND TRANSFER FACILITIES

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112 **Section 739.146 Tracking**

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114 a) Acceptance. A used oil transporter must keep a record of each used oil shipment
115 accepted for transport. Records for each shipment must include the following:

116

117 1) The name and address of the generator, transporter, or processor that
118 provided the used oil for transport;

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120 2) The USEPA identification number and Illinois special waste identification
121 number (if applicable) of the generator, transporter, or processor that
122 provided the used oil for transport;

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124 3) The quantity of used oil accepted;

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126 4) The date of acceptance; ~~and~~

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128 5) The signature.

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- A) Except as provided in subsection (a)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner that provided the used oil for transport.
 - B) An intermediate rail transporter is not required to sign the record of acceptance; and-
- 6) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
- A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- b) Deliveries. A used oil transporter must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include the following:
- 1) The name and address of the receiving facility or transporter;
 - 2) The USEPA identification number and Illinois special waste identification number of the receiving facility or transporter;
 - 3) The quantity of used oil delivered;
 - 4) The date of delivery;

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- 5) The signature.
 - A) Except as provided in subsection (b)(5)(B) of this Section, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
 - B) An intermediate rail transporter is not required to sign the record of acceptance.
- c) Exports of used oil. A used oil transporter must maintain the records described in subsections (b)(1) through (b)(4) of this Section for each shipment of used oil exported to any foreign country.
- d) Record retention. The records described in subsections (a), (b), and (c) of this Section must be maintained for at least three years.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.156 Tracking

- a) Acceptance. A used oil processor must keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter that delivered the used oil to the processor;
 - 2) The name and address of the generator or processor from whom the used oil was sent for processing;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the processor;
 - 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
 - 5) The quantity of used oil accepted; ~~and~~

- 216 6) The date of acceptance; and-
- 217
- 218 7) If the transporter has accepted any shipment of mixtures of used oil and
- 219 materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
- 220
- 221 A) Information stating when and where the special waste was generated;
- 222
- 223 B) The classification and quantity of the special waste delivered to the
- 224 transporter;
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- 226 C) Any special handling instructions pertinent to emergency personnel
- 227 in the event of an accident; and
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- 229 D) A generator's certification as follows: "I hereby declare that the
- 230 contents of this consignment are fully and accurately described above
- 231 by the proper shipping name, and are classified, packaged, marked
- 232 and labeled/placarded, and are in all respects in proper condition for
- 233 transport according to applicable international and national
- 234 governmental regulations. If export shipment and I am the Primary
- 235 Exporter, I certify that the contents of this consignment conform to
- 236 the terms of the attached EPA Acknowledgement of Consent. I
- 237 certify that the waste minimization statement identified in 40 CFR
- 238 262.27(a) (if I am a large quantity generator) or (b) (if I am a small
- 239 quantity generator) is true."
- 240
- 241 b) Deliveries. A used oil processor must keep a record of each shipment of used oil
- 242 that is delivered to another used oil burner, processor, or disposal facility. These
- 243 records may take the form of a log, invoice, manifest, bill of lading or other
- 244 shipping documents. Records of each delivery must include the following
- 245 information:
- 246
- 247 1) The name and address of the transporter that delivers the used oil to the
- 248 burner, processor, or disposal facility;
- 249
- 250 2) The name and address of the burner, processor, or disposal facility that
- 251 will receive the used oil;
- 252
- 253 3) The USEPA identification number and Illinois special waste identification
- 254 number of the transporter that delivers the used oil to the burner, processor
- 255 or disposal facility;
- 256
- 257 4) The USEPA identification number and Illinois special waste identification
- 258 number of the burner, processor, or disposal facility that will receive the

- 259 used oil;
- 260
- 261 5) The quantity of used oil shipped;
- 262
- 263 6) The date of shipment; and-
- 264
- 265 7) If the transporter has accepted any shipment of mixtures of used oil and
- 266 materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
- 267
- 268 A) Information stating when and where the special waste was generated;
- 269
- 270 B) The classification and quantity of the special waste delivered to the
- 271 transporter;
- 272
- 273 C) Any special handling instructions pertinent to emergency personnel
- 274 in the event of an accident; and
- 275
- 276 D) A generator's certification as follows: "I hereby declare that the
- 277 contents of this consignment are fully and accurately described above
- 278 by the proper shipping name, and are classified, packaged, marked
- 279 and labeled/placarded, and are in all respects in proper condition for
- 280 transport according to applicable international and national
- 281 governmental regulations. If export shipment and I am the Primary
- 282 Exporter, I certify that the contents of this consignment conform to
- 283 the terms of the attached EPA Acknowledgement of Consent. I
- 284 certify that the waste minimization statement identified in 40 CFR
- 285 262.27(a) (if I am a large quantity generator) or (b) (if I am a small
- 286 quantity generator) is true."
- 287
- 288 c) Record retention. The records described in subsections (a) and (b) of this Section
- 289 must be maintained for at least three years.

290
291 (Source: Amended at 33 Ill. Reg. _____, effective _____)

292
293 **SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN**

294 **OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY**

295
296 **Section 739.165 Tracking**

- 297
- 298 a) Acceptance. A used oil burner must keep a record of each used oil shipment
- 299 accepted for burning. These records may take the form of a log, invoice,
- 300 manifest, bill of lading, or other shipping documents. Records for each shipment
- 301 must include the following information:

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- 1) The name and address of the transporter that delivered the used oil to the burner;
- 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
- 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the burner;
- 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;
- 5) The quantity of used oil accepted; ~~and~~
- 6) The date of acceptance; and.
- 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Record retention. The records described in subsection (a) of this Section must be

345 maintained for at least three years.

346
347 (Source: Amended at 33 Ill. Reg. _____, effective _____)

348
349 SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

350
351 **Section 739.174 Tracking**

- 352
353 a) Off-specification used oil delivery. Any used oil fuel marketer that directs a
354 shipment of off-specification used oil to a burner must keep a record of each
355 shipment of used oil to a used oil burner. These records may take the form of a
356 log, invoice, manifest, bill of lading or other shipping documents. Records for
357 each shipment must include the following information:
358
- 359 1) The name and address of the transporter that delivers the used oil to the
360 burner;
 - 361
 - 362 2) The name and address of the burner that will receive the used oil;
 - 363
 - 364 3) The USEPA identification number and Illinois special waste identification
365 number of the transporter that delivers the used oil to the burner;
 - 366
 - 367 4) The USEPA identification number and Illinois special waste identification
368 number of the burner;
 - 369
 - 370 5) The quantity of used oil shipped; ~~and~~
 - 371
 - 372 6) The date of shipment; ~~and~~.
 - 373
 - 374 7) If the transporter has accepted any shipment of mixtures of used oil and
375 materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the
376 following:
 - 377
 - 378 A) Information stating when and where the special waste was generated;
 - 379
 - 380 B) The classification and quantity of the special waste delivered to the
381 transporter;
 - 382
 - 383 C) Any special handling instructions pertinent to emergency personnel in
384 the event of an accident; and
 - 385
 - 386 D) A generator's certification as follows: "I hereby declare that the
387 contents of this consignment are fully and accurately described above

388 by the proper shipping name, and are classified, packaged, marked
389 and labeled/placarded, and are in all respects in proper condition for
390 transport according to applicable international and national
391 governmental regulations. If export shipment and I am the Primary
392 Exporter, I certify that the contents of this consignment conform to
393 the terms of the attached EPA Acknowledgement of Consent. I
394 certify that the waste minimization statement identified in 40 CFR
395 262.27(a) (if I am a large quantity generator) or (b) (if I am a small
396 quantity generator) is true."
397

- 398 b) On-specification used oil delivery. A generator, transporter, processor or re-
399 refiner, or burner that first claims that used oil that is to be burned for energy
400 recovery meets the fuel specifications under Section 739.111 must keep a record
401 of each shipment of used oil to the facility to which it delivers the used oil.
402 Records for each shipment must include the following information:
403
404 1) The name and address of the facility receiving the shipment;
405
406 2) The quantity of used oil fuel delivered;
407
408 3) The date of shipment or delivery; and
409
410 4) A cross-reference to the record of used oil analysis or other information
411 used to make the determination that the oil meets the specification as
412 required under Section 739.172(a).
413
414 c) Record retention. The records described in subsections (a) and (b) of this Section
415 must be maintained for at least three years.
416
417 (Source: Amended at 33 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)

<u>Section Number:</u> 808.121	<u>Proposed Action:</u> 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].
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's August 20, 2009, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20). NORA, an Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, initiated these amendments by filing an amended rulemaking proposal with the Board on September 22, 2008. The proposed amendments 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) and also to exempt from those requirements four specific mixtures of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 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

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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
Thompson 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 defined by, and managed in accordance with, the Board's used oil management regulations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized /State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: January 2008. On May 1, 2008, the Board adopted its first first notice opinion and order in this docket, as anticipated in that Regulatory Agenda. See 32 Ill. Reg. 8085, 8091 (May 30, 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, 27].

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 33 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) The generator is not required to complete a manifest for the following materials, provided that the generator complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):

A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that ~~such~~the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight;

B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, ~~where~~when:

i) the characteristic has been extinguished;

ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and

iii) the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight~~;~~

C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, ~~where~~when the used oil and the nonhazardous wastewater are generated by the same generator, and ~~where~~when the mixture results from use or unintentional contamination.

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

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 33 Ill. Reg. _____, effective _____)

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~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENT~~

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Moved to	0
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Format changed	0
Total changes	26

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

9 SUBPART A: GENERAL PROVISIONS
10

11 Section

12 808.100 Purpose, Scope and Applicability
13 808.101 Transitional Rule
14 808.110 Definitions
15 808.111 Incorporations by Reference
16 808.121 Generator Obligations
17 808.122 Manifests
18 808.123 Small Quantity Generators
19

20 SUBPART B: CLASSES OF SPECIAL WASTE
21

22 Section

23 808.240 Special Waste Classes
24 808.241 Default Classification of Special Wastes
25 808.242 Special Handling Waste
26 808.243 Wastes Categorized by Source
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

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 33 Ill. Reg. _____,
87 effective _____.
88

89 SUBPART A: GENERAL PROVISIONS
90

91 **Section 808.121 Generator Obligations**
92

- 93 a) Each person who generates waste shall determine whether the waste is a special
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) The generator is not required to complete a manifest for the following
121 materials, provided that the generator complies with the informational
122 requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code
123 809.501(b):
124
125 A) Mixtures of used oil as defined by and managed in accordance
126 with 35 Ill. Adm. Code 739 and hazardous waste, both generated
127 and mixed by a conditionally exempt small quantity generator of

128 hazardous waste, provided that the mixture contains more than 50
129 percent used oil by either volume or weight;

130
131 B) Mixtures of used oil as defined by and managed in accordance
132 with 35 Ill. Adm. Code 739 and characteristic hazardous waste,
133 with a Btu per pound content greater than 5,000, when:

134
135 i) the characteristic has been extinguished;

136
137 ii) both the used oil and the characteristic hazardous waste
138 have been generated and mixed by the same generator; and

139
140 iii) the mixture contains more than 50 percent used oil by
141 either volume or weight;

142
143 C) Mixtures of used oil as defined by and managed in accordance
144 with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

145
146 D) Used oil as defined by and managed in accordance with 35 Ill.
147 Adm. Code 739 contaminated by or mixed with nonhazardous
148 wastewater, when the used oil and the nonhazardous wastewater
149 are generated by the same generator, and when the mixture results
150 from use or unintentional contamination.

151
152 c) *No person shall cause, threaten or allow the treatment, storage or disposal of*
153 *special waste in Illinois except:*

154
155 1) *At a facility permitted or otherwise authorized to manage the special*
156 *waste pursuant to 35 Ill. Adm. Code 703 or 807 [415 ILCS 5/21(d) and*
157 *(e)](Sections 21(d) and (e) of the Act); or*

158
159 2) *At a facility owned and operated by such person and subject to the on-site*
160 *disposal exemption of Section 21(d) of the Act [415 ILCS 5/21(d)](Section*
161 *21(d) of the Act).*

162
163 d) No person shall deliver special waste to a transporter or a permitted facility
164 without a supplemental wastestream permit.

165
166 e) No person shall deliver to a transporter or permitted facility special waste with a
167 wastestream identification number unless the waste conforms with the
168 wastestream description in the wastestream classification determination.

169
170 (Source: Amended at 33 Ill. Reg. _____, effective _____)

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>
809.301	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 August 20, 2009, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 739, 808, 809 (R06-20). NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, initiated these amendments by filing an amended rulemaking proposal with the Board on September 22, 2008. The proposed amendments 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) and also to exempt from those requirements four specific mixtures of used oil and other materials. The proposal also amends used oil tracking provisions in Part 739 to include information required by a manifest for those specified mixtures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, did not use a published study or report in developing its original or amended proposal.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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
Thompson 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 defined by, and managed in accordance with, the Board's used oil management regulations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized /State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas. January 2008. On May 1, 2008, the Board adopted its first first notice opinion and order in this docket, as anticipated in that regulatory agenda. See 32 Ill. Reg. 8085, 8091 (May 30, 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

Section
809.201 Nonhazardous Special Waste Hauling Permits - General
809.202 Applications for Nonhazardous Special Waste Hauling Permit -
Contents
809.203 Applications for Nonhazardous Special Waste Hauling Permit -
Signatures and Authorization
809.204 Applications for Nonhazardous Special Waste Hauling Permit - Filing
and Final Action by the Agency
809.205 Nonhazardous Special Waste Hauling Permit Conditions
809.206 Nonhazardous Special Waste Hauling Permit Revision
809.207 Transfer of Nonhazardous Special Waste Hauling Permits
809.208 Nonhazardous Special Waste Hauling Permit Revocation
809.209 Permit No Defense
809.210 General Exemption from Nonhazardous Special Waste Hauling Permit
Requirements
809.211 Exemptions for Nonhazardous Special Waste Transporters
809.212 Duration of Nonhazardous Special Waste Hauling Permits

SUBPART C: DELIVERY AND ACCEPTANCE

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

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section
809.401 Permit Availability
809.402 Nonhazardous Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section
809.501 Manifests, Records, Access to Records, 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)

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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)

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809.913 Payment of Processing and Audit Fees

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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 ~~22.22.2~~, and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective

September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 at 33 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 following are exceptions to this requirement:

a) 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.

b) The generator or transporter is not required to complete a manifest for the following materials, provided that the generator complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):

1) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that ~~such~~the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight;

2) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, ~~where~~when:

~~i~~A) the characteristic has been extinguished;

~~ii~~where B) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and

~~iii~~where C) the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight~~;~~.

3) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

4) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, ~~where~~when the used oil and the nonhazardous wastewater are generated by the same generator, and ~~where~~when the mixture results from use or unintentional contamination.

(Source: Amended at 33 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 following are exceptions to this requirement:

1) 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.

2) The generator or transporter is not required to complete a manifest for the following materials, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):

A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that ~~such~~the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight;

B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, ~~where~~when:

i) the characteristic has been extinguished;

ii) ~~where~~ both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and

iii) ~~where~~ the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight;

C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, ~~where~~when the used oil and the nonhazardous wastewater are generated by the same generator, and ~~where~~when the mixture results from use or unintentional contamination.

~~a~~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 33 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 following are exceptions to this requirement:

1) 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.

2) The generator or transporter is not required to complete a manifest for the following materials, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):

A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that ~~such~~the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight;

B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000, ~~where~~when:

i) the characteristic has been extinguished;

ii) ~~where~~ both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator~~;~~ and~~;~~

iii) ~~where~~ the mixture contains more than ~~fifty~~50 percent used oil by either volume or weight~~;~~

C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, ~~where~~when the used oil and the nonhazardous wastewater are generated by the same generator, and ~~where~~when the mixture results from use or unintentional contamination.

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 33 Ill. Reg. _____, effective _____)

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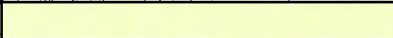

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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

6 PART 809
7 NONHAZARDOUS SPECIAL WASTE HAULING
8 AND THE UNIFORM PROGRAM
9

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14	809.102	Severability
15	809.103	Definitions
16	809.104	Incorporations by Reference
17	809.105	Public Records

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23	809.202	Applications for Nonhazardous Special Waste Hauling Permit – Contents
24	809.203	Applications for Nonhazardous Special Waste Hauling Permit – Signatures and 25 Authorization
26	809.204	Applications for Nonhazardous Special Waste Hauling Permit – Filing and Final 27 Action by the Agency
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31	809.208	Nonhazardous Special Waste Hauling Permit Revocation
32	809.209	Permit No Defense
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35	809.211	Exemptions for Nonhazardous Special Waste Transporters
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39

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42	809.302	Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from 43 Transporters

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56		SUBPART F: DURATION OF PERMITS AND TANK NUMBERS
57		
58	Section	
59	809.601	Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)
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75	809.901	Definitions (Repealed)
76	809.902	Disposal Methods (Repealed)
77	809.903	Rendering Innocuous by Sterilization (Repealed)
78	809.904	Rendering Innocuous by Incineration (Repealed)
79	809.905	Recordkeeping Requirements for Generators (Repealed)
80	809.906	Defense to Enforcement Action (Repealed)
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86	809.911	Application for a Uniform Permit

- 87 809.912 Application for Uniform Registration
- 88 809.913 Payment of Processing and Audit Fees
- 89 809.914 Payment of Apportioned Mile Fees
- 90 809.915 Submittal of Fees
- 91 809.916 Previously Permitted Transporters
- 92 809.917 Uniform Registration and Uniform Permit Conditions
- 93 809.918 Uniform Registration and Uniform Permit Revision
- 94 809.919 Transfer of Uniform Registration and Uniform Permits
- 95 809.920 Audits and Uniform Registration and Uniform Permit Revocation
- 96 809.921 Permit No Defense

97

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

99

100 AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by
 101 Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2, and
 102 27] (see P.A. 90-219).

103

104 SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979;
 105 emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7,
 106 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg.
 107 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB
 108 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg.
 109 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective
 110 September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8
 111 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended
 112 in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635,
 113 effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999;
 114 amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 at
 115 33 Ill. Reg. _____, effective _____.

116

117 SUBPART C: DELIVERY AND ACCEPTANCE

118

119 **Section 809.301 Requirements for Delivery of Nonhazardous Special Waste to**
 120 **Transporters**

121

122 No person may deliver any special waste generated within Illinois or for disposal, storage or
 123 treatment within Illinois unless that person concurrently delivers a manifest completed in
 124 accordance with Subpart E of this Part to a special waste transporter who holds a current
 125 nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued
 126 by the Agency under Subpart B or C of this Part. The following are exceptions to this
 127 requirement:

128

- 129 a) The generator or transporter is not required to complete a manifest for used oil
130 that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
131
- 132 b) The generator or transporter is not required to complete a manifest for the
133 following materials, provided that the generator complies with the informational
134 requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
135
- 136 1) Mixtures of used oil as defined by and managed in accordance with 35 Ill.
137 Adm. Code 739 and hazardous waste, both generated and mixed by a
138 conditionally exempt small quantity generator of hazardous waste,
139 provided that the mixture contains more than 50 percent used oil by either
140 volume or weight;
141
- 142 2) Mixtures of used oil as defined by and managed in accordance with 35 Ill.
143 Adm. Code 739 and characteristic hazardous waste, with a Btu per pound
144 content greater than 5,000, when:
145
- 146 A) the characteristic has been extinguished;
147
- 148 B) both the used oil and the characteristic hazardous waste have been
149 generated and mixed by the same generator; and
150
- 151 C) the mixture contains more than 50 percent used oil by either
152 volume or weight;
153
- 154 3) Mixtures of used oil as defined by and managed in accordance with 35 Ill.
155 Adm. Code 739 and fuel or other fuel products; and
156
- 157 4) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code
158 739 contaminated by or mixed with nonhazardous wastewater, when the
159 used oil and the nonhazardous wastewater are generated by the same
160 generator, and when the mixture results from use or unintentional
161 contamination.
162

163 (Source: Amended at 33 Ill. Reg. _____, effective _____)
164

165 **Section 809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous**
166 **Waste from Transporters**
167

- 168 a) No person may accept any special waste for disposal, storage or treatment within
169 Illinois from a special waste transporter unless the special waste transporter has a
170 valid nonhazardous special waste hauling permit or Uniform Program
171 Registration and Permit issued by the Agency under Subpart B or J of this Part

172 and concurrently presents to the receiver of the special waste, or the receiver's
173 agent, a completed, signed manifest as required by Subpart E of this Part, which
174 manifest designates the receiver's facility as the destination for the special waste.
175 The following are exceptions to this requirement:

- 176
- 177 1) The generator or transporter is not required to complete a manifest for
178 used oil that is defined by and managed in accordance with 35 Ill. Adm.
179 Code 739.
- 180
- 181 2) The generator or transporter is not required to complete a manifest for the
182 following materials, provided that the generator or transporter complies
183 with the informational requirements of 35 Ill. Adm. Code 739.146(a) and
184 35 Ill. Adm. Code 809.501(b):
- 185
- 186 A) Mixtures of used oil as defined by and managed in accordance
187 with 35 Ill. Adm. Code 739 and hazardous waste, both generated
188 and mixed by a conditionally exempt small quantity generator of
189 hazardous waste, provided that the mixture contains more than 50
190 percent used oil by either volume or weight;
- 191
- 192 B) Mixtures of used oil as defined by and managed in accordance
193 with 35 Ill. Adm. Code 739 and characteristic hazardous waste,
194 with a Btu per pound content greater than 5,000, when:
- 195
- 196 i) the characteristic has been extinguished;
- 197
- 198 ii) both the used oil and the characteristic hazardous waste
199 have been generated and mixed by the same generator; and
- 200
- 201 iii) the mixture contains more than 50 percent used oil by
202 either volume or weight;
- 203
- 204 C) Mixtures of used oil as defined by and managed in accordance
205 with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
- 206
- 207 D) Used oil as defined by and managed in accordance with 35 Ill.
208 Adm. Code 739 contaminated by or mixed with nonhazardous
209 wastewater, when the used oil and the nonhazardous wastewater
210 are generated by the same generator, and when the mixture results
211 from use or unintentional contamination.

- 212
- 213 b) No person may deliver special waste in Illinois for disposal, storage or treatment
214 unless the person who accepts the special waste has a current, valid operating

215 permit issued by the Agency and the necessary supplemental permits required by
216 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the
217 Act and Board regulations.
218

219 (Source: Amended at 33 Ill. Reg. _____, effective _____)
220

221 SUBPART E: MANIFESTS, RECORDS AND REPORTING
222

223 **Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and**
224 **Forms**
225

226 a) Any person who delivers special waste to a permitted nonhazardous special or
227 hazardous waste transporter shall complete a uniform hazardous waste manifest to
228 accompany the special waste from delivery to the destination of the special waste.
229 The manifest form will be provided or prescribed by the Agency. The following
230 are exceptions to this requirement:
231

232 1) The generator or transporter is not required to complete a manifest for
233 used oil that is defined by and managed in accordance with 35 Ill. Adm.
234 Code 739.
235

236 2) The generator or transporter is not required to complete a manifest for the
237 following materials, provided that the generator or transporter complies
238 with the informational requirements of 35 Ill. Adm. Code 739.146(a) and
239 35 Ill. Adm. Code 809.501(b):
240

241 A) Mixtures of used oil as defined by and managed in accordance
242 with 35 Ill. Adm. Code 739 and hazardous waste, both generated
243 and mixed by a conditionally exempt small quantity generator of
244 hazardous waste, provided that the mixture contains more than 50
245 percent used oil by either volume or weight;
246

247 B) Mixtures of used oil as defined by and managed in accordance
248 with 35 Ill. Adm. Code 739 and characteristic hazardous waste,
249 with a Btu per pound content greater then 5,000, when:
250

251 i) the characteristic has been extinguished;
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253 ii) both the used oil and the characteristic hazardous waste
254 have been generated and mixed by the same generator; and
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256 iii) the mixture contains more than 50 percent used oil by
257 either volume or weight;

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C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and

D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.

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

301 wastes from a transporter does not have to send a copy of the manifest to
 302 the Agency.
 303

304 d) The manifest will consist of at least four parts, in contrasting colors, such that an
 305 entry or signature on one part will be directly reproduced upon all underlying
 306 parts. The top part of the manifest shall be signed by the person who delivers
 307 special waste to a special waste transporter, acknowledging the delivery. The top
 308 part of the manifest shall also be signed by the special waste transporter,
 309 acknowledging receipt of the special waste. The person who delivers special
 310 waste to a special waste transporter shall retain the designated parts of the
 311 manifest as a record. The remaining parts of the manifest shall accompany the
 312 special waste shipment. At the destination, the manifest shall be signed by the
 313 person who accepts special waste from a special waste transporter,
 314 acknowledging receipt of the special waste.
 315

316 e) A permitted site that receives special waste for disposal, storage or treatment of
 317 special waste must be designated on the manifest as the final destination point.
 318 Any subsequent delivery of the special waste or any portion or product thereof to
 319 a special waste transporter shall be conducted under a manifest initiated by the
 320 permitted disposal, storage or treatment site.
 321

322 f) In all cases, the special waste transporter shall deliver the designated parts of the
 323 complete, signed manifest to the person who accepts delivery of special waste
 324 from the transporter. The special waste transporter shall retain the designated part
 325 of the complete, signed manifest as a record of delivery to a permitted disposal,
 326 storage or treatment site. In addition, at the end of each month, or longer if
 327 approved by the Agency, the owner and the operator of the permitted disposal,
 328 storage or treatment site who accepts special waste from a special waste
 329 transporter shall send the designated part of the completed manifest to the person
 330 who delivered the special waste to the special waste transporter.
 331

332 g) Every generator who delivers special waste to a special waste transporter, every
 333 person who accepts special waste from a special waste transporter and every
 334 special waste transporter shall retain their respective parts of the special waste
 335 manifest as a record of all special waste transactions. These parts shall be
 336 retained for three years and will be made available at reasonable times for
 337 inspection and photocopying by the Agency.
 338

339 BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and
 340 725 relative to RCRA hazardous wastes are not affected by this subsection.
 341 Generators and receiving facilities subject to those Parts shall continue to supply
 342 designated copies of all manifests to the Agency.
 343

- 344 h) Every generator who delivers nonhazardous special waste via a transporter to a
 345 facility located outside Illinois shall file a report, on forms prescribed or provided
 346 by the Agency, summarizing all such activity during the preceding calendar year.
 347 Such reports shall, at a minimum, include the information specified in subsection
 348 (i) of this Section and should be received by the Agency no later than February 1.
 349
- 350 i) Every annual report required to be filed with the Agency by a generator for waste
 351 going out of state pursuant to subsection (h) of this Section shall include the
 352 following:
- 353
- 354 1) The IEPA identification number, name and address of the generator;
 - 355
 - 356 2) The period (calendar year) covered by the report;
 - 357
 - 358 3) The IEPA identification number, name and address for each off-site
 359 treatment, storage or disposal facility to which waste was shipped during
 360 the period;
 - 361
 - 362 4) The name and IEPA special waste hauling number of each transporter
 363 used during the period for shipments to a treatment, storage or disposal
 364 facility;
 - 365
 - 366 5) A description and the total quantity of each nonhazardous special waste
 367 shipped out of state, listed by IEPA identification number of each
 368 receiving site;
 - 369
 - 370 6) The method of treatment, storage or disposal for each nonhazardous
 371 special waste; and
 - 372
 - 373 7) A certification signed by the generator or the generator's authorized
 374 representative.
 - 375
- 376 j) Every in-State facility that accepts nonhazardous special waste from a
 377 nonhazardous special waste transporter shall file a report, on forms prescribed or
 378 provided by the Agency, summarizing all such activity during the preceding
 379 calendar year. Such reports should, at a minimum, include the information
 380 specified in subsection (k) of this Section and be received by the Agency no later
 381 than February 1. This subsection is applicable to all nonhazardous special wastes
 382 that are delivered to a nonhazardous special waste transporter on or after January
 383 1, 1991.
- 384
- 385 k) Every annual report required to be filed with the Agency by a person accepting
 386 nonhazardous special waste from a nonhazardous special waste transporter

387 pursuant to subsection (j) of this Section shall include the following information:
388

- 389 1) The IEPA identification number, name and address of the facility;
390
391 2) The period (calendar year) covered by the report;
392
393 3) The IEPA identification number, name and address of each nonhazardous
394 special waste generator from which the facility received a nonhazardous
395 special waste during the period;
396
397 4) A description and the total quantity of each nonhazardous special waste
398 the facility received from off-site during the period. This information
399 shall be listed by IEPA identification number of each generator;
400
401 5) The method of treatment, storage or disposal for each nonhazardous
402 special waste; and
403
404 6) A certification signed by the owner or operator of the facility or the
405 owner's or operator's authorized representative.
406

407 (Source: Amended at 33 Ill. Reg. _____, effective _____)