

R06-20B

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Standards for the Management of Used Oil

2) Code Citation: 35 Ill. Adm. Code 739

3) Section Number: 739.100 Proposed Action: Amend

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

5) A complete description of the subjects and issues involved: For a more detailed description of this rulemaking, see the Board's December 17, 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 B).

RECEIVED
CLERK'S OFFICE
JAN 19 2010
STATE OF ILLINOIS
Pollution Control Board

During the first-notice period in the companion docket R06-20 A, the Board received comments from the Illinois Environmental Protection Agency (Agency) and NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association (NORA) addressing addition of three definitions to the Board's proposal. The Board opened this Docket B in order to address one definition in Section 739.100, which the Board had not included in its August 20, 2009, first-notice opinion and order.

The amendments proposed in the companion Docket A are intended to exempt from the special waste manifest 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 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 originated 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 rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other amendments pending on this Part? Yes

In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739, 808, 809, R06-20 A

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
739.146	Amend	33 Ill. Reg. 12426; September 11, 2009
739.156	Amend	33 Ill. Reg. 12426; September 11, 2009
739.165	Amend	33 Ill. Reg. 12426; September 11, 2009
739.174	Amend	33 Ill. Reg. 12426; September 11, 2009

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

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

Address 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: In Part 739, the Agency proposes to add a single new definition of the term "classification" as employed in amendments proposed in the companion docket R06-20 A.
- 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 additional definition may affect any generator and transporter of used oil.

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B) Reporting, bookkeeping or other procedures required for compliance: As the amended rules proposed in the companion docket R06-20 A would provide an exemption from existing requirements, and because this docket proposes only a single new definition, the proposal does not require procedures for compliance.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER 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
739.165 Tracking
739.166 Notices
739.167 Management of Residues

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 (AB) at 34 Ill. Reg. _____, effective _____, ~~amended in R06-20 (B) at 34 Ill. Reg. _____, effective _____.~~

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank, as defined in 35 Ill. Adm. Code 280.12.

BOARD NOTE: This definition is different from the definition for "aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks that contain hazardous wastes. This definition of aboveground tank is limited to this Part only.

"Classification", as used in this Part, means a short description of the waste generating activity and designation as either hazardous waste with the appropriate hazardous waste code, nonhazardous used oil, nonhazardous used oil mixture, or nonhazardous other special waste.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation had commenced on or prior to October 4, 1996. Installation will be considered to have commenced if the owner or operator had obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either of the following had occurred:

A continuous on-site installation program had begun, or

The owner or operator had entered into contractual obligations that cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time.

BOARD NOTE: This definition is similar to the definition for "Existing tank system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "existing tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks systems that contain hazardous wastes. This definition of existing tank is limited to this Part only.

"Household 'do-it-yourselfer' used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

BOARD NOTE: Household "do-it-yourselfer" used oil is not subject to the State's special waste hauling permit requirements under Part 809.

"Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation had commenced after October 4, 1996.

BOARD NOTE: This definition is similar to the definition given for "New tank system" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "new tank" in this Part limits the tanks

to those used to store or process used oil, whereas the 720.110 definition contemplates new tanks systems that contain hazardous wastes. This definition of new tank is limited to this Part only.

"Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to the following: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, and re-refining.

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

"Tank" means any stationary device, designed to contain an accumulation of used oil that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Used oil" means any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Used oil aggregation point" means any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

"Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a).

"Used oil collection center" means any site or facility that is registered by the Agency to manage used oil and accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C of this Part that bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Section 739.124. Used oil collection centers may also accept used oil from household do-it-yourselfers.

"Used oil fuel marketer" means any person that conducts either of the following activities:

Directs a shipment of off-specification used oil from their facility to a used oil burner; or

First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

"Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

"Used oil processor" means a facility that processes used oil.

"Used oil transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to Section 739.120(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F of this Part.

"Used oil transporter" means any person that transports used oil, any person that collects used oil from more than one generator and that transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

(Source: Amended at 34 Ill. Reg. _____, effective _____)
~~ILLINOIS REGISTER~~

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~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENT~~

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Moved to	0
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Format changed	0
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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
5

6 PART 739
7 STANDARDS FOR THE MANAGEMENT OF USED OIL
8

9 SUBPART A: DEFINITIONS
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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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32 AND AGGREGATION POINTS
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35 739.130 Do-It-Yourselfer Used Oil Collection Centers
36 739.131 Used Oil Collection Centers
37 739.132 Used Oil Aggregate Points Owned by the Generator
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40 AND TRANSFER FACILITIES
41

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- 44 739.141 Restrictions on Transporters that Are Not Also Processors
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52 SUBPART F: STANDARDS FOR USED OIL PROCESSORS

53

54 Section

- 55 739.150 Applicability
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66 SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
67 OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

68

69 Section

- 70 739.160 Applicability
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- 72 739.162 Notification
- 73 739.163 Rebuttable Presumption for Used Oil
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- 76 739.166 Notices
- 77 739.167 Management of Residues

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79 SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

80

81 Section

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- 83 739.171 Prohibitions
- 84 739.172 On-Specification Used Oil Fuel
- 85 739.173 Notification
- 86 739.174 Tracking

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89

SUBPART I: DISPOSAL OF USED OIL

90

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;
102 amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in
103 R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28
104 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094,
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 (B) at 34 Ill. Reg. _____, effective _____.

108

109

SUBPART A: DEFINITIONS

110

111 **Section 739.100 Definitions**

112

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114 meanings when used in this Part.

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117 underground storage tank, as defined in 35 Ill. Adm. Code 280.12.

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119 BOARD NOTE: This definition is different from the definition for "aboveground
120 tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the
121 main distinction is that the definition for this Part limits the tanks to those used to
122 store or process used oil, whereas the 720.110 definition contemplates tanks that
123 contain hazardous wastes. This definition of aboveground tank is limited to this
124 Part only.

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125 "Classification", as used in this Part, means a short description of the waste
126 generating activity and designation as either hazardous waste with the appropriate
127 hazardous waste code, nonhazardous used oil, nonhazardous used oil mixture, or
128 nonhazardous other special waste.

129

130 "Container" means any portable device in which a material is stored, transported,
131 treated, disposed of, or otherwise handled.
132

133 "Do-it-yourselfer used oil collection center" means any site or facility that accepts
134 or aggregates and stores used oil collected only from household do-it-yourselfers.
135

136 "Existing tank" means a tank that is used for the storage or processing of used oil
137 and that is in operation, or for which installation had commenced on or prior to
138 October 4, 1996. Installation will be considered to have commenced if the owner
139 or operator had obtained all federal, state, and local approvals or permits
140 necessary to begin installation of the tank and if either of the following had
141 occurred:
142

143 A continuous on-site installation program had begun, or
144

145 The owner or operator had entered into contractual obligations that cannot
146 be canceled or modified without substantial loss for installation of the tank
147 to be completed within a reasonable time.

148 BOARD NOTE: This definition is similar to the definition for "Existing tank
149 system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the
150 definition given above for "existing tank" in this Part limits the tanks to those used
151 to store or process used oil, whereas the 720.110 definition contemplates tanks
152 systems that contain hazardous wastes. This definition of existing tank is limited
153 to this Part only.
154

155 "Household 'do-it-yourselfer' used oil" means oil that is derived from households,
156 such as used oil generated by individuals who generate used oil through the
157 maintenance of their personal vehicles.

158 BOARD NOTE: Household "do-it-yourselfer" used oil is not subject to the State's
159 special waste hauling permit requirements under Part 809.
160

161 "Household 'do-it-yourselfer' used oil generator" means an individual who
162 generates household "do-it-yourselfer" used oil.
163

164 "New tank" means a tank that will be used to store or process used oil and for
165 which installation had commenced after October 4, 1996.

166 BOARD NOTE: This definition is similar to the definition given for "New tank
167 system" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar,
168 the definition given above for "new tank" in this Part limits the tanks to those
169 used to store or process used oil, whereas the 720.110 definition contemplates
170 new tanks systems that contain hazardous wastes. This definition of new tank is
171 limited to this Part only.
172

173 "Petroleum refining facility" means an establishment primarily engaged in
174 producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants,
175 through fractionation, straight distillation of crude oil, redistillation of unfinished
176 petroleum derivatives, cracking, or other processes (i.e., facilities classified as
177 SIC 2911).

178
179 "Processing" means chemical or physical operations designed to produce from
180 used oil, or to make used oil more amenable for production of, fuel oils,
181 lubricants, or other used oil-derived product. Processing includes, but is not
182 limited to the following: blending used oil with virgin petroleum products,
183 blending used oils to meet the fuel specification, filtration, simple distillation,
184 chemical or physical separation, and re-refining.

185
186 "Re-refining distillation bottoms" means the heavy fraction produced by vacuum
187 distillation of filtered and dehydrated used oil. The composition of still bottoms
188 varies with column operation and feedstock.

189
190 "Tank" means any stationary device, designed to contain an accumulation of used
191 oil that is constructed primarily of non-earthen materials (e.g., wood, concrete,
192 steel, plastic) which provide structural support.

193
194 "Used oil" means any oil that has been refined from crude oil or any synthetic oil
195 that has been used and as a result of such use is contaminated by physical or
196 chemical impurities.

197
198 "Used oil aggregation point" means any site or facility that accepts, aggregates, or
199 stores used oil collected only from other used oil generation sites owned or
200 operated by the owner or operator of the aggregation point, from which used oil is
201 transported to the aggregation point in shipments of no more than 55 gallons.
202 Used oil aggregation points may also accept used oil from household do-it-
203 yourselfers.

204
205 "Used oil burner" means a facility where used oil not meeting the specification
206 requirements in Section 739.111 is burned for energy recovery in devices
207 identified in Section 739.161(a).

208
209 "Used oil collection center" means any site or facility that is registered by the
210 Agency to manage used oil and accepts or aggregates and stores used oil collected
211 from used oil generators regulated under Subpart C of this Part that bring used oil
212 to the collection center in shipments of no more than 55 gallons under the
213 provisions of Section 739.124. Used oil collection centers may also accept used
214 oil from household do-it-yourselfers.
215

216 "Used oil fuel marketer" means any person that conducts either of the following
217 activities:

218
219 Directs a shipment of off-specification used oil from their facility to a used
220 oil burner; or

221
222 First claims that used oil that is to be burned for energy recovery meets the
223 used oil fuel specifications set forth in Section 739.111.

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225 "Used oil generator" means any person, by site, whose act or process produces
226 used oil or whose act first causes used oil to become subject to regulation.

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228 "Used oil processor" means a facility that processes used oil.

229
230 "Used oil transfer facility" means any transportation-related facility including
231 loading docks, parking areas, storage areas, and other areas where shipments of
232 used oil are held for more than 24 hours and not longer than 35 days during the
233 normal course of transportation or prior to an activity performed pursuant to
234 Section 739.120(b)(2). Transfer facilities that store used oil for more than 35
235 days are subject to regulation under Subpart F of this Part.

236
237 "Used oil transporter" means any person that transports used oil, any person that
238 collects used oil from more than one generator and that transports the collected
239 oil, and owners and operators of used oil transfer facilities. Used oil transporters
240 may consolidate or aggregate loads of used oil for purposes of transportation but,
241 with the following exception, may not process used oil. Transporters may conduct
242 incidental processing operations that occur in the normal course of used oil
243 transportation (e.g., settling and water separation), but that are not designed to
244 produce (or make more amenable for production of) used oil derived products or
245 used oil fuel.

246
247 (Source: Amended at 34 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Waste Classifications
- 2) Code Citation: 35 Ill. Adm. Code 808
- 3) Section Number: 808.110 Proposed Action: Amend
- 4) Statutory Authority: Implementing Sections 21, 22, 22.01 and 22.9 of and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27]
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- 8) Does this rulemaking contain an automatic repeal date? No
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- 10) Are there any other amendments pending on this Part? Yes

<u>Section Number:</u> 808.121	<u>Proposed Action:</u> Amend	<u>Illinois Register Citation:</u> 33 Ill. Reg. 12439; September. 11, 2009
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- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

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

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

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

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

- 13) Initial Regulatory Flexibility Analysis: In Part 808, the Agency proposes to add two new definitions, "Btu" and "wastewater", as employed in amendments proposed in the companion docket R06-20 A.
- 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 additional definition may affect any generator and transporter of used oil.
- B) Reporting, bookkeeping or other procedures required for compliance: As the amended rules proposed in the companion docket R06-20 A would provide an exemption from existing requirements, and because this docket proposes only two new definitions, the proposal does not require procedures for compliance.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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

PART 808
SPECIAL WASTE CLASSIFICATIONS

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: CLASSES OF SPECIAL WASTE

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

SUBPART C: CRITERIA AND DATA REQUIREMENTS

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

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

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

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

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

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

Section

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

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

Section

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

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

Section

808.600 Introduction

808.APPENDIX A Assignment Of Special Waste To Classes

808.APPENDIX B Toxicity Hazard

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 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 (AB) at 34 Ill. Reg. _____, effective _____, ~~amended in R06-20 (B) at 34 Ill. Reg. _____, effective _____.~~

SUBPART A: GENERAL PROVISIONS

Section 808.110 Definitions

"Act" means the Environmental Protection Act ~~(Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1001 et seq.)~~. [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Btu" or "British thermal unit" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

"Board" means the Illinois Pollution Control Board.

"Carcinogen" means a chemical, or complex mixture of closely related chemicals, which has been determined in accordance with USEPA Guidelines for Carcinogenic Risk Assessment, incorporated by reference at Section 808.111, to have either sufficient or limited human evidence or sufficient animal evidence supporting a causal association between exposure to the chemical and an increase in incidence of benign or malignant neoplasms or substantial decrease in the latency period between exposure and onset of neoplasms.

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

"Degree of hazard" is determined pursuant to Section 808.245.

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

"LC50" means that concentration of a substance administered to test organisms that is lethal to 50 percent of a population of exposed organisms in a given time period. "Inhalation rat" means that the substance is administered by inhalation and the test organisms are laboratory rats. "Aquatic toxicity" means that the substance is administered in water to specified free-swimming test organisms.

"LD50" means that dose of a substance administered to test organisms that is lethal to 50 percent of a population of exposed organisms in a given time period. "LD50-oral rat" or "oral rat" means that dose of a substance, administered orally, that is lethal to 50 percent of a population of exposed rats in a given time period.

"Mutagen" means a chemical, or complex mixture of closely related chemicals or ionizing radiation which has been determined, in accordance with USEPA Guidelines for Mutagenic Risk Assessment, incorporated by reference at Section 808.111, to have sufficient evidence supporting a causal association between exposure to the chemical and point mutations (i.e., submicroscopic changes in the base sequence of DNA) or structural or numerical chromosome aberrations. Structural aberrations include deficiencies, duplications, insertions, inversions, and translocations, whereas numerical aberrations are gains or losses of whole chromosomes (e.g., trisomy, monosomy) or sets of chromosomes (haploidy, polyploidy).

"Special handling waste" is a declassified waste which, due to its form and mode of containment in transport or storage, presents a danger to a person handling the waste such that the person needs information about the waste to safely transport or store the waste. "Special handling waste" includes any such waste which would pose a danger if handled in a manner similar to household waste. "Dangers" include, but are not limited to, the following: fire, explosion, and emission of toxic or carcinogenic gas or dust. "Special handling waste" also includes any special waste which, because of appearance or packaging, resembles waste which would be a special handling waste. Such waste includes, but is not limited to, any special waste contained in a sealed drum. Irrespective of its degree of hazard ranking under Section 808.245, a special handling waste is a special waste. -

BOARD NOTE: Section 808.245(d) provides that special handling waste which would otherwise be declassified is at least a Type B special waste.

"Special (non-RCRA) waste" is any special waste that is not hazardous waste as defined in this Section.

"Special waste" means any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245. (Section 3.45 of the Act.) ~~Board Note:~~

BOARD NOTE: The definition of "hazardous waste" at Section 3.15 of the Act differs from the definition of the same term as used in this Part. The Board intends that the Section 3.15 definition apply to this Part only for the purposes of this definition of special waste. The Board intends that the definition given in this Section apply to all other appearances for the term "hazardous waste" throughout this Part.

"TC50" means that dose of a substance administered to test organisms that produces toxic effects in 50 percent of a population of exposed organisms in a given time period. "TD50-oral rat" means that the test organisms are laboratory rats.

"Wastewater" means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENT~~

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Style change	0
Format changed	0
Total changes	16

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

- 44 808.411 Significant Trace Constituents
- 45 808.412 Common Names
- 46 808.413 Wastestream Description
- 47 808.420 Quality Assurance Plan
- 48 808.430 Degree of Hazard Data
- 49 808.431 Toxicological Testing

50

51 SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

52

53 Section

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

57

58 SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

59

60 Section

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

64

65 SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

66

67 Section

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

73

74 SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

75

76 Section

- 77 808.600 Introduction

78

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

- 80 808.APPENDIX B Toxicity Hazard

81

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

84

85 SOURCE: Adopted in R89-13A at 14 Ill. Reg. 14043, effective August 15, 1990; amended in
86 R98-29 at 23 Ill. Reg. 6875, effective July 1, 1999; amended in R06-20 (B) at 34 Ill. Reg.
87 _____, effective _____.

88
89 SUBPART A: GENERAL PROVISIONS

90
91 **Section 808.110 Definitions**

92
93 "Act" means the Environmental Protection Act [415 ILCS 5](~~Ill. Rev. Stat. 1989,~~
94 ~~ch. 111½, pars. 1001 et seq.~~).

95
96 "Agency" means the Illinois Environmental Protection Agency.

97
98 "Btu" or "British thermal unit" means the quantity of heat required to raise the
99 temperature of one pound of water one degree Fahrenheit.

100
101 "Board" means the Illinois Pollution Control Board.

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103 "Carcinogen" means a chemical, or complex mixture of closely related chemicals,
104 which has been determined in accordance with USEPA Guidelines for
105 Carcinogenic Risk Assessment, incorporated by reference at Section 808.111, to
106 have either sufficient or limited human evidence or sufficient animal evidence
107 supporting a causal association between exposure to the chemical and an increase
108 in incidence of benign or malignant neoplasms or substantial decrease in the
109 latency period between exposure and onset of neoplasms.

110
111 "Declassified waste" means a waste which has been determined pursuant to
112 Section 808.245 to not be a special waste.

113
114 "Degree of hazard" is determined pursuant to Section 808.245.

115
116 "Hazardous waste" or "RCRA hazardous waste" is as defined in 35 Ill. Adm.
117 Code 721.

118
119 "LC₅₀" means that concentration of a substance administered to test organisms
120 that is lethal to 50 percent of a population of exposed organisms in a given time
121 period. "Inhalation rat" means that the substance is administered by inhalation
122 and the test organisms are laboratory rats. "Aquatic toxicity" means that the
123 substance is administered in water to specified free-swimming test organisms.

124
125 "LD₅₀" means that dose of a substance administered to test organisms that is lethal
126 to 50 percent of a population of exposed organisms in a given time period. "LD₅₀-
127 oral rat" or "oral rat" means that dose of a substance, administered orally, that is

128 lethal to 50 percent of a population of exposed rats in a given time period.

129
130 "Mutagen" means a chemical, or complex mixture of closely related chemicals or
131 ionizing radiation which has been determined, in accordance with USEPA
132 Guidelines for Mutagenic Risk Assessment, incorporated by reference at Section
133 808.111, to have sufficient evidence supporting a causal association between
134 exposure to the chemical and point mutations (i.e., submicroscopic changes in the
135 base sequence of DNA) or structural or numerical chromosome aberrations.
136 Structural aberrations include deficiencies, duplications, insertions, inversions,
137 and translocations, whereas numerical aberrations are gains or losses of whole
138 chromosomes (e.g., trisomy, monosomy) or sets of chromosomes (haploidy,
139 polyploidy).

140
141 "Special handling waste" is a declassified waste which, due to its form and mode
142 of containment in transport or storage, presents a danger to a person handling the
143 waste such that the person needs information about the waste to safely transport
144 or store the waste. "Special handling waste" includes any such waste which
145 would pose a danger if handled in a manner similar to household waste.

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

153 BOARD NOTE: Section 808.245(d) provides that special handling waste which
154 would otherwise be declassified is at least a Type B special waste.

155
156 "Special (non-RCRA) waste" is any special waste that is not hazardous waste as
157 defined in this Section.

158
159 "*Special waste*" means any hazardous waste, and any industrial process waste or
160 pollution control waste which has not been declassified pursuant to Section
161 808.245. (Section 3.45 of the Act.)

162 BOARD NOTE: The definition of "hazardous waste" at Section 3.15 of the Act
163 differs from the definition of the same term as used in this Part. The Board
164 intends that the Section 3.15 definition apply to this Part only for the purposes of
165 this definition of special waste. The Board intends that the definition given in this
166 Section apply to all other appearances for the term "hazardous waste" throughout
167 this Part.

168
169 "TC₅₀" means that dose of a substance administered to test organisms that
170 produces toxic effects in 50 percent of a population of exposed organisms in a

171 given time period. "TD₅₀-oral rat" means that the test organisms are laboratory
172 rats.

173
174 "Wastewater" means sewage, industrial waste, or other waste, or any combination
175 of these, whether treated or untreated, plus any admixed land runoff.
176

177 (Source: Amended at 34 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Nonhazardous Special Waste Hauling and the Uniform Program
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) Section Number: 809.103 Proposed Action: Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01 and 22.2 of and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's December 17, 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 B).

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During the First Notice period in the companion docket R06-20 A, the Board received comments from the Illinois Environmental Protection Agency (Agency) and NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association (NORA) addressing addition of three definitions to the Board's proposal. The Board opened this Docket B in order to address two definitions in Section 809.103, which the Board had not included in its August 20, 2009, First Notice opinion and order.

The amendments proposed in the companion Docket A are intended to exempt from the special waste manifest 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 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 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
809.301	Amend	33 Ill. Reg. 12446; September 11, 2009
809.302	Amend	33 Ill. Reg. 12446; September 11, 2009
809.501	Amend	33 Ill. Reg. 12446; September 11, 2009

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

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

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

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

- 13) Initial Regulatory Flexibility Analysis: In Part 809, the Board proposes to add two new definitions, "Btu" and "wastewater," as employed in amendments proposed in the companion docket R06-20 A.
- 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 additional definition may affect any generator and transporter of used oil.
- B) Reporting, bookkeeping or other procedures required for compliance: As the amended rules proposed in the companion docket R06-20 A would provide an

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

exemption from existing requirements, and because this docket proposes only two new definitions, the proposal does not require procedures for compliance.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized January 2008 (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 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)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section

809.701 General Provision

SUBPART H: EFFECTIVE DATES

Section

809.801 Compliance Date

809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section

809.901 Definitions (Repealed)

809.902 Disposal Methods (Repealed)

809.903 Rendering Innocuous by Sterilization (Repealed)

809.904 Rendering Innocuous by Incineration (Repealed)

809.905 Recordkeeping Requirements for Generators (Repealed)

809.906 Defense to Enforcement Action (Repealed)

SUBPART J: UNIFORM PROGRAM

Section

809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program

809.911 Application for a Uniform Permit

809.912 Application for Uniform Registration

809.913 Payment of Processing and Audit Fees

809.914 Payment of Apportioned Mile Fees

809.915 Submittal of Fees

809.916 Previously Permitted Transporters

809.917 Uniform Registration and Uniform Permit Conditions

809.918 Uniform Registration and Uniform Permit Revision

809.919 Transfer of Uniform Registration and Uniform Permits

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, 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 (AB) at 34 Ill. Reg. _____, effective _____; ~~amended in R06-20 (B) at 34 Ill. Reg. _____, effective _____.~~

SUBPART A: GENERAL PROVISIONS

Section 809.103 Definitions

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Base state" means the state in which a hazardous waste transporter must obtain a uniform registration, if required by the base state, and uniform permit.

"Board" means the Illinois Pollution Control Board.

"Btu" or "British thermal unit" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste or special waste into or on any land or water so that such waste or special waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. [415 ILCS 5/3.08] (See "Waste", "Special Waste".)

"Garbage" means the waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce. [415 ILCS 5/3.11] (See "Waste".)

"Hazardous waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to agency guidelines consistent with the requirements of the Act and Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. [415 ILCS 5/3.15]

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.15 of the Act.

"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to

human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means.

"Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.17]

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

"Nonhazardous special waste" means any special waste, as defined in this Section, that has not been identified, by characteristics or listing, as hazardous pursuant to ~~Section~~ section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to Board regulations.

"Nonhazardous special waste hauling vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, used to transport nonhazardous special waste in bulk or packages, tanks, or other containers.

"Nonhazardous special waste transporter" means any person who transports nonhazardous special waste.

"Off-site" means any site that is not "on-site", as defined in this Section.

"On-site" means (for the purpose of transporting hazardous waste) on the same or geographically contiguous property under the control of the same person even if such contiguous property is divided by a public or private right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

"Participating state" means a state that has elected to participate in the uniform program and has entered into a reciprocal agreement.

"Permitted disposal site" means a sanitary landfill or other type of disposal site, including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for disposal.

"Permitted storage site" means any site used for the interim containment of special waste prior to disposal or treatment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for storage.

"Permitted treatment site" means any site used to change the physical, chemical or biological character or composition of any special waste, including

but not limited to a processing center, a reclamation facility or a recycling center that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for treatment.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee. [415 ILCS 5/3.26]

"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415 ILCS 5/3.27]

"Principal place of business" means the state in which a person owning vehicles used for transporting hazardous waste maintains its central records or majority of its records relating to the transportation of hazardous materials; or the state in which the person owning vehicles used for transporting hazardous waste has the plurality of its mileage.

"Reciprocal agreement" means an agreement between Illinois and another state to participate in the Uniform Program.

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Radiation Protection Act [420 ILCS 40] and Radioactive Waste Storage Act [420 ILCS 35]. (See "Waste-"u)

"Septic tank pumpings" means the liquid portions and sludge residues removed from septic tanks.

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations under the Act. [415 ILCS 5/3.43]

"Solid waste-" (see "Waste-"u)

"Special waste" means any of the following:

Potentially infectious medical waste;

Hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in 35 Ill. Adm. Code 722.111, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with 35 Ill. Adm. Code 726 and proven to be nonhazardous;

Industrial process waste or pollution control waste, except:

Any such waste certified by its generator, pursuant to Section 22.48 of the Act, not to be any of the following:

A liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107(m)(3)(a);

Regulated asbestos-containing waste materials, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR 61.141;

Polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR 761;

An industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of 35 Ill. Adm. Code 728.107 under the land disposal restrictions of 35 Ill. Adm. Code 728; and

A waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Act;

Any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107 (m)(3)(a). "Empty portable device or container" means a device or container in which removal of special waste, except for a residue that shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or

As may otherwise be determined under Section 22.9 of the Act. [415 ILCS 5/3.45]

"Special waste transporter" means any person who transports special waste (as defined in Section 3.45 of the Act) from any location.

"Spill" means any accidental discharge of special waste.

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

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

"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of special waste to render it less dangerous or nonhazardous. [415 ILCS 5/3.49] Treatment also includes reclamation, re-use and recycling of special waste.

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

"Truck tractor" means any motor vehicle used to transport special waste that is designed and used for drawing other devices and not so constructed as to carry a load other than a part of the weight of the device and load so drawn.

"Uniform application" means the uniform registration and uniform permit application form established under the Uniform Program and provided by the Agency.

"Uniform permit" means the permit issued by a base state under Part II of the uniform application.

"Uniform Program" means the program established pursuant to the directive of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 USC 1 et seq.) and the Hazardous Materials Transportation Authorization Act of 1994 (49 USCS 5101 et seq.) and implemented pursuant to the Final Report: Uniform Program Pilot Project and the State Program Administrator's Manual, Uniform Program, Alliance for Uniform HazMat Transportation Procedures, incorporated by reference in Section 809.104.

"Uniform registration" means the annual registration issued by a base state under Part I of the uniform application, if the base state has a registration requirement.

"Vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, designed or used for the transportation of hazardous waste. [415 ILCS 5/22.2(1-5)(1)]

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.94 of the Act, or industrial discharges which are point sources subject to permits under ~~Section~~section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3.53]

"Wastewater" means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

JCAR350809-1001275r01

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENT~~

Document comparison done by DeltaView on Thursday, January 14, 2010 11:11:53 AM

Input:	
Document 1	file:///I:/Input/35-809-Agency(issue4).doc
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Rendering set	Standard

Legend:	
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Statistics:	
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Insertions	12
Deletions	12
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	24

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

10 SUBPART A: GENERAL PROVISIONS
11

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13	809.101	Authority, Policy and Purposes
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
28	809.205	Nonhazardous Special Waste Hauling Permit Conditions
29	809.206	Nonhazardous Special Waste Hauling Permit Revision
30	809.207	Transfer of Nonhazardous Special Waste Hauling Permits
31	809.208	Nonhazardous Special Waste Hauling Permit Revocation
32	809.209	Permit No Defense
33	809.210	General Exemption from Nonhazardous Special Waste Hauling Permit 34 Requirements
35	809.211	Exemptions for Nonhazardous Special Waste Transporters
36	809.212	Duration of Nonhazardous Special Waste Hauling Permits

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38 SUBPART C: DELIVERY AND ACCEPTANCE
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40	Section	
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42	809.302	Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from 43 Transporters

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47	Section	
48	809.401	Permit Availability
49	809.402	Nonhazardous Special Waste Symbols
50		
51		SUBPART E: MANIFESTS, RECORDS AND REPORTING
52		
53	Section	
54	809.501	Manifests, Records, Access to Records, Reporting Requirements and Forms
55		
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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61		SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS
62		
63	Section	
64	809.701	General Provision
65		
66		SUBPART H: EFFECTIVE DATES
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68	Section	
69	809.801	Compliance Date
70	809.802	Exceptions (Repealed)
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72		SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE
73		
74	Section	
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)
81		
82		SUBPART J: UNIFORM PROGRAM
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85	809.910	Uniform State Hazardous Waste Transportation Registration and Permit Program
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 (B)
 115 at 34 Ill. Reg. _____, effective _____.

116

117 SUBPART A: GENERAL PROVISIONS

118

119 **Section 809.103 Definitions**

120

121 "Act" means the Illinois Environmental Protection Act [415 ILCS 5].

122

123 "Agency" means the Illinois Environmental Protection Agency.

124

125 "Base state" means the state in which a hazardous waste transporter must obtain a
 126 uniform registration, if required by the base state, and uniform permit.

127

128 "Board" means the Illinois Pollution Control Board.

129

130 "Btu" or "British thermal unit" means the quantity of heat required to raise the
131 temperature of one pound of water one degree Fahrenheit.

132
133 *"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or*
134 *placing of any waste or special waste into or on any land or water so that such*
135 *waste or special waste or any constituent thereof may enter the environment or be*
136 *emitted into the air or discharged into any waters, including ground waters. [415*
137 *ILCS 5/3.08] (See "Waste", "Special Waste:".)*

138
139 *"Garbage" means the waste resulting from the handling, processing, preparation,*
140 *cooking, and consumption of food, and wastes from the handling, processing,*
141 *storage and sale of produce. [415 ILCS 5/3.11] (See "Waste:".)*

142
143 *"Hazardous waste" means a waste, or combination of wastes, which because of*
144 *quantity, concentration, or physical, chemical, or infectious characteristics may*
145 *cause or significantly contribute to an increase in mortality or an increase in*
146 *serious, irreversible, or incapacitating reversible, illness; or pose a substantial*
147 *present or potential threat to human health or to the environment when*
148 *improperly treated, stored, transported or disposed of, or otherwise managed,*
149 *and which has been identified, by characteristics or listing, as hazardous*
150 *pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976*
151 *(42 USC 6901 et seq.) or pursuant to agency guidelines consistent with the*
152 *requirements of the Act and Board regulations. Potentially infectious medical*
153 *waste is not a hazardous waste, except for those potentially infectious medical*
154 *wastes identified by characteristics or listing as hazardous under Section 3001 of*
155 *the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to*
156 *Board regulations. [415 ILCS 5/3.15]*

157
158 *"Hazardous waste transporter" means any person who transports hazardous waste*
159 *as defined in Section 3.15 of the Act.*

160
161 *"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste,*
162 *generated as a direct or indirect result of the manufacture of a product or the*
163 *performance of a service, which poses a present or potential threat to human*
164 *health or to the environment or with inherent properties which make the disposal*
165 *of such waste in a landfill difficult to manage by normal means. "Industrial*
166 *process waste" includes but is not limited to spent pickling liquors, cutting oils,*
167 *chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint*
168 *sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust,*
169 *hospital pathological wastes and off-specification, contaminated or recalled*
170 *wholesale or retail products. Specifically excluded are uncontaminated*
171 *packaging materials, uncontaminated machinery components, general household*
172 *waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.17]*

173
 174 "Manifest" means the form provided or prescribed by the Agency and used for
 175 identifying name, quantity, and the origin, routing, and destination of special
 176 waste during its transportation from the point of generation to the point of
 177 disposal, treatment, or storage, as required by this Part, 35 Ill. Adm. Code:
 178 Subtitle G, or by the Resource Conservation and Recovery Act of 1976 (42 USC
 179 6901 et seq.) or regulations thereunder.
 180
 181 "Nonhazardous special waste" means any special waste, as defined in this
 182 Section, that has not been identified, by characteristics or listing, as hazardous
 183 pursuant to ~~section~~Section 3001 of the Resource Conservation and Recovery Act
 184 of 1976 (42 USC 6901 et seq.) or pursuant to Board regulations.
 185
 186 "Nonhazardous special waste hauling vehicle" means any self-propelled motor
 187 vehicle, except a truck tractor without a trailer, used to transport nonhazardous
 188 special waste in bulk or packages, tanks, or other containers.
 189
 190 "Nonhazardous special waste transporter" means any person who transports
 191 nonhazardous special waste.
 192
 193 "Off-site" means any site that is not "on-site", as defined in this Section.
 194
 195 "On-site" means (for the purpose of transporting hazardous waste) on the same or
 196 geographically contiguous property under the control of the same person even if
 197 such contiguous property is divided by a public or private right-of-way. Non-
 198 contiguous properties owned by the same person but connected by a right-of-way
 199 that the person controls, and to which the public does not have access, is also
 200 considered on-site property.
 201
 202 "Participating state" means a state that has elected to participate in the uniform
 203 program and has entered into a reciprocal agreement.
 204
 205 "Permitted disposal site" means a sanitary landfill or other type of disposal site,
 206 including but not limited to a deep well, a pit, a pond, a lagoon or an
 207 impoundment that has a current, valid operating permit issued by the Agency and
 208 a supplemental permit issued by the Agency specifically permitting the site to
 209 accept a special waste tendered for disposal.
 210
 211 "Permitted storage site" means any site used for the interim containment of
 212 special waste prior to disposal or treatment that has a current, valid operating
 213 permit issued by the Agency and a supplemental permit issued by the Agency
 214 specifically permitting the site to accept a special waste tendered for storage.
 215

216 "Permitted treatment site" means any site used to change the physical, chemical or
217 biological character or composition of any special waste, including but not limited
218 to a processing center, a reclamation facility or a recycling center that has a
219 current, valid operating permit issued by the Agency and a supplemental permit
220 issued by the Agency specifically permitting the site to accept a special waste
221 tendered for treatment.

222
223 *"Person" means any individual, partnership, co-partnership, firm, company,*
224 *corporation, association, joint stock company, trust, estate, political subdivision,*
225 *state agency, or any other legal entity or their legal representative, agent or*
226 *assignee. [415 ILCS 5/3.26]*

227
228 *"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste*
229 *generated as a direct or indirect result of the removal of contaminants from the*
230 *air, water or land, and which pose a present or potential threat to human health*
231 *or to the environment or with inherent properties which make the disposal of such*
232 *waste in a landfill difficult to manage by normal means. "Pollution control*
233 *waste" includes but is not limited to water and wastewater treatment plant*
234 *sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415*
235 *ILCS 5/3.27]*

236
237 "Principal place of business" means the state in which a person owning vehicles
238 used for transporting hazardous waste maintains its central records or majority of
239 its records relating to the transportation of hazardous materials; or the state in
240 which the person owning vehicles used for transporting hazardous waste has the
241 plurality of its mileage.

242
243 "Reciprocal agreement" means an agreement between Illinois and another state to
244 participate in the Uniform Program.

245
246 "Reclamation" means the recovery of material or energy from waste for
247 commercial or industrial use.

248
249 "Refuse" means any garbage or other discarded materials, with the exception of
250 radioactive materials discarded in accordance with the provisions of the Radiation
251 Protection Act [420 ILCS 40] and Radioactive Waste Storage Act [420 ILCS 35].
252 (See "Waste:".)

253
254 "Septic tank pumpings" means the liquid portions and sludge residues removed
255 from septic tanks.

256
257 *"Site" means any location, place, tract of land, and facilities, including but not*
258 *limited to buildings, and improvements used for purposes subject to regulation or*

259 control by this Act or regulations under the Act. [415 ILCS 5/3.43]

260

261 "Solid waste;" (see "Waste.");

262

263 "Special waste" means any of the following:

264

265 *Potentially infectious medical waste;*

266

267 *Hazardous waste, as determined in conformance with RCRA hazardous*
268 *waste determination requirements set forth in 35 Ill. Adm. Code 722.111,*
269 *including a residue from burning or processing hazardous waste in a*
270 *boiler or industrial furnace unless the residue has been tested in*
271 *accordance with 35 Ill. Adm. Code 726 and proven to be nonhazardous;*

272

273 *Industrial process waste or pollution control waste, except:*

274

275 *Any such waste certified by its generator, pursuant to Section*
276 *22.48 of the Act, not to be any of the following:*

277

278 *A liquid, as determined using the paint filter test set forth in*
279 *35 Ill. Adm. Code 811.107(m)(3)(a);*

280

281 *Regulated asbestos-containing waste materials, as defined*
282 *under the National Emission Standards for Hazardous Air*
283 *Pollutants in 40 CFR 61.141;*

284

285 *Polychlorinated biphenyls (PCBs) regulated pursuant to 40*
286 *CFR 761;*

287

288 *An industrial process waste or pollution control waste*
289 *subject to the waste analysis and recordkeeping*
290 *requirements of 35 Ill. Adm. Code 728.107 under the land*
291 *disposal restrictions of 35 Ill. Adm. Code 728; and*

292

293 *A waste material generated by processing recyclable*
294 *metals by shredding and required to be managed as a*
295 *special waste under Section 22.29 of the Act;*

296

297 *Any empty portable device or container, including but not limited*
298 *to a drum, in which a special waste has been stored, transported,*
299 *treated, disposed of, or otherwise handled, provided that the*
300 *generator has certified that the device or container is empty and*
301 *does not contain a liquid, as determined using the paint filter test*

302 *set forth in 35 Ill. Adm. Code 811.107(m)(3)(a). "Empty portable*
303 *device or container" means a device or container in which removal*
304 *of special waste, except for a residue that shall not exceed one inch*
305 *in thickness, has been accomplished by a practice commonly*
306 *employed to remove materials of that type. An inner liner used to*
307 *prevent contact between the special waste and the container shall*
308 *be removed and managed as a special waste; or*
309

310 *As may otherwise be determined under Section 22.9 of the Act.*
311 *[415 ILCS 5/3.45]*
312

313 "Special waste transporter" means any person who transports special waste (as
314 defined in Section 3.45 of the Act) from any location.
315

316 "Spill" means any accidental discharge of special waste.
317

318 "Storage" means the interim containment of special waste prior to disposal or
319 treatment.
320

321 "Tank" means any bulk container placed on or carried by a vehicle to transport
322 special waste, including wheel mounted tanks.
323

324 *"Treatment" means any method, technique or process, including neutralization*
325 *designed to change the physical, chemical or biological character or composition*
326 *of any special waste so as to neutralize that waste or so as to render that waste*
327 *nonhazardous, safer for transport, amenable for recovery, amenable for storage*
328 *or reduced in volume. "Treatment" includes any activity or processing designed to*
329 *change the physical form or chemical composition of special waste to render it*
330 *less dangerous or nonhazardous. [415 ILCS 5/3.49] Treatment also includes*
331 *reclamation, re-use and recycling of special waste.*
332

333 "Truck" means any unitary vehicle used to transport special waste.
334

335 "Truck tractor" means any motor vehicle used to transport special waste that is
336 designed and used for drawing other devices and not so constructed as to carry a
337 load other than a part of the weight of the device and load so drawn.
338

339 "Uniform application" means the uniform registration and uniform permit
340 application form established under the Uniform Program and provided by the
341 Agency.
342

343 "Uniform permit" means the permit issued by a base state under Part II of the
344 uniform application.

345
346 "Uniform Program" means the program established pursuant to the directive of
347 the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 USC 1 et
348 seq.) and the Hazardous Materials Transportation Authorization Act of 1994 (49
349 USCS 5101 et seq.) and implemented pursuant to the Final Report: Uniform
350 Program Pilot Project and the State Program Administrator's Manual, Uniform
351 Program, Alliance for Uniform HazMat Transportation Procedures, incorporated
352 by reference in Section 809.104.

353
354 "Uniform registration" means the annual registration issued by a base state under
355 Part I of the uniform application, if the base state has a registration requirement.

356
357 "Vehicle" means any *self-propelled motor vehicle, except a truck tractor without*
358 *a trailer, designed or used for the transportation of hazardous waste.* [415 ILCS
359 5/22.2(1-5)(1)]

360
361 "*Waste*" means any garbage, sludge from a waste treatment plant, water supply
362 treatment plant, or air pollution control facility or other discarded material,
363 including solid, liquid, semi-solid, or contained gaseous material resulting from
364 industrial, commercial, mining and agricultural operations, and from community
365 activities, but does not include solid or dissolved material in domestic sewage, or
366 solid or dissolved materials in irrigation return flows, or coal combustion by-
367 products as defined in Section 3.94 of the Act, or industrial discharges which are
368 point sources subject to permits under ~~section~~Section 402 of the Federal Water
369 Pollution Control Act, as now or hereafter amended, or source, special nuclear,
370 or byproduct materials as defined by the Atomic Energy Act of 1954, as amended
371 (42 USC 2011 et seq.) or any solid or dissolved material from any facility subject
372 to The Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)
373 or the rules and regulations thereunder or any law or rule or regulation adopted
374 by the State of Illinois pursuant thereto. [415 ILCS 5/3.53]

375
376 "Wastewater" means sewage, industrial waste, or other waste, or any combination
377 of these, whether treated or untreated, plus any admixed land runoff.

378
379 (Source: Amended at 34 Ill. Reg. _____, effective _____)