ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) <u>Heading of the Part</u>: Standards Applicable to Generators of Hazardous Waste

2) <u>Code Citation</u>: 35 Ill. Adm. Code 722

3)	Section Numbers: 722.110 722.112 722.121 722.134 722.187 722.300 722.301 722.302 722.302 722.303 722.304 722.305 722.306 722.306 722.307 722.308 722.309 722.310 722.311	Proposed Action: Amend Amend Amend Amend Amend Amend New Section New Section
	722.308 722.309	New Section New Section
	722.311 722.312 722.313 722.314 722.315	
	722.316	New Section

AUG 0 3 2010 STATE OF ILLINOIS Pollution Control Board

- 4) <u>Statutory Authority</u>: 415 ILCS 5/7.2, 22.4, and 27
- 5) <u>A Complete Description of the Subjects and Issues Involved</u>: The amendments to Part 722 are a single segment of the docket R09-16/R10-4 (consolidated) rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 724, and 725, each of which is covered by a separate Notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R09-16/R10-4 (consolidated) rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendment for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of June 17, 2010, proposing amendments in

 $\frac{1}{10}$

POLLUTION CONTROL BOARD

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docket R09-16/R10-4 (consolidated), which opinion and order is available from the address below.

Specifically, the amendments to Part 722 implement segments of the federal amendments of December 1, 2008 and June 25, 2009. The amendments add the alternative hazardous waste generator requirements for eligible academic entities. The amendments change appearances of "Office of Solid Waste" to "Office of Resource Conservation and Recovery".

Tables appear in the Board's opinion and order of June 17, 2010 in docket R09-16/R10-4 (consolidated) that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 17, 2010 opinion and order in docket R09-16/R10-4 (consolidated).

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) <u>Published studies or reports, and sources of underlying data, used to compose this</u> <u>rulemaking</u>: None
- 7) <u>Will this rulemaking replace any emergency rulemaking currently in effect</u>? No
- 8) <u>Does this rulemaking contain an automatic repeal date</u>? No
- 9) Does this rulemaking contain incorporations by reference? No. The existing text of Part 722 does not include incorporations by reference. Instead, the text of 35 Ill. Adm. Code 720.111 is the central location of all incorporations by reference for the purposes of 35 Ill. Adm. Code 703 through 705, 720 through 728, 730, 733, 738, and 739. The amendments to 35 Ill. Adm. Code 720.111 include updates to the federal regulations incorporated by reference for the purposes of Part 721. The amendments include the new incorporation by reference to the document entitled "Accreditation Council for Graduate Medical Education: Glossary of Terms".

 $\frac{2}{10}$

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Are there any other proposed rulemakings pending on this Part? No
- 10) <u>Statement of Statewide Policy Objectives</u>: This rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) <u>Time, Place and manner in which interested persons may comment on this proposed</u> <u>rulemaking</u>: 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 <u>R09-</u> <u>16/R10-4 (consolidated)</u> and be addressed to:

John T. Therriault, Assistant Clerk Illinois Pollution Control Board State of Illinois Center, Suite 11-500 100 W. Randolph St. Chicago, IL 60601

Please direct inquiries to the following person and reference docket <u>R09-16/R10-4</u> (consolidated):

Michael J. McCambridge Staff Attorney Illinois Pollution Control Board 100 W. Randolph 11-500 Chicago, IL 60601

Phone: 312/814-6924 E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at http://www.ipcb.state.il.us.

13) <u>Initial Regulatory Flexibility Analysis</u>:

 A) <u>Types of small businesses, small municipalities, and not-for-profit corporations</u> <u>affected</u>: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

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ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) <u>Reporting, bookkeeping or other procedures required for compliance</u>: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) <u>Types of professional skills neceessary for compliance</u>: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) <u>Regulatory agenda on which this rulemaking was summarized</u>: July 2009 and January 2010

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



1 2 3 4	c	TITLE 35: ENVIRONMENTAL PROTECTION SUBTITLE G: WASTE DISPOSAL CHAPTER I: POLLUTION CONTROL BOARD	
4 5	i i	SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREM	ENIS
6 7 8		PART 722 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE	
9 10		SUBPART A: GENERAL	CLERK'S OFFICE
11	~ .		AUG 0 3 2010
12	Section		
13	722.110	Purpose, Scope, and Applicability	STATE OF ILLINOIS Pollution Control Board
14 15	722.111 722.112	Hazardous Waste Determination USEPA Identification Numbers	Pononomi Com
16	722.112	Electronic Reporting	
17	122.115	Licenome Reporting	
18		SUBPART B: THE MANIFEST	
19			
20	Section		
21	722.120	General Requirements	
22	722.121	Manifest Tracking Numbers, Manifest Printing, and Obtaining Man	ifests
23	722.122	Number of Copies	
24	722.123	Use of the Manifest	
25	722.127	Waste Minimization Certification	
26			
27		SUBPART C: PRE-TRANSPORT REQUIREMENTS	
28	a		
29	Section		
30	722.130	Packaging	
31 32	722.131	Labeling	
32 33	722.132 722.133	Marking	
33 34	722.133	Placarding Accumulation Time	
35	/22.134	Accumulation Time	
36 37		SUBPART D: RECORDKEEPING AND REPORTING	
38	Section		
39	722.140	Recordkeeping	
40	722.141	Annual Reporting	
41	722.142	Exception Reporting	
42	722.143	Additional Reporting	
43	722.144	Special Requirements for Generators of between 100 and 1,000 kilo	grams per

U

44		month
45		
46		SUBPART E: EXPORTS OF HAZARDOUS WASTE
47	a	
48	Section	
49	722.150	Applicability
50	722.151	Definitions
51	722.152	General Requirements
52	722.153	Notification of Intent to Export
53	722.154	Special Manifest Requirements
54	722.155	Exception Report
55	722.156	Annual Reports
56	722.157	Recordkeeping
57	722.158	International Agreements
58		
59		SUBPART F: IMPORTS OF HAZARDOUS WASTE
60		
61	Section	
62	722.160	Imports of Hazardous Waste
63		
64		SUBPART G: FARMERS
65		
66	Section	
67	722.170	Farmers
68		
69		SUBPART H: TRANSFRONTIER SHIPMENTS OF
70		HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD
71		
72	Section	
73	722.180	Applicability
74	722.181	Definitions
75	722.182	General Conditions
76	722.183	Notification and Consent
77	722.184	Tracking Document
78	722.185	Contracts
79	722.186	Provisions Relating to Recognized Traders
80	722.187	Reporting and Recordkeeping
81	722.189	OECD Waste Lists
82		
83	SUE	BPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE
84		ERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR
85		LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES
86		

87	Section	
88	722.300	Definitions
89	722.301	Applicability
90	722.302	Opting into the Subpart K Requirements
91	722.303	Notice of Election into the Subpart K Requirements
92	722.304	Notice of Withdrawal from the Subpart K Requirements
93	722.305	Summary of the Requirements of this Subpart K
94	722.306	Container Standards in the Laboratory
95	722.307	Personnel Training
96	722.308	Removing Unwanted Material from the Laboratory
97	722.309	Hazardous Waste Determination and Removal of Unwanted Material from the
98		Laboratory
99	<u>722.310</u>	Hazardous Waste Determination in the Laboratory
100	<u>722.311</u>	Hazardous Waste Determination at an On-Site Central Accumulation Area
101	<u>722.312</u>	Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal
102		Facility
103	<u>722.313</u>	Laboratory Clean-Outs
104	722.314	Laboratory Management Plan
105	722.315	Unwanted Material That Is Not Solid Waste or Hazardous Waste
106	<u>722.316</u>	Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity
107		
108	722.APPEND	IX A Hazardous Waste Manifest
109		
110		7: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
111	Environmenta	I Protection Act [415 ILCS 5/7.2, 22.4, and 27].
112 113	SOLIDCE. A	donted in DQ1 22 at 6 III Dec. 0791 affective Mars 17, 1092; an and a day d
113		dopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
114		1-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. e February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,
115		d in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at
117		112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,
118		ember 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987;
119		87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12
120		9, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective
121		1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;
122		90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at
123		44, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective
124	-	91; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in
125		l. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg.
126		ve November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,
127		d in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-
128		-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-
129		Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg.
		~

130	1136, effecti	ve January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20,
131		ited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29
132		2, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138,
133		oruary 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective
134		0, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008;
135		R09-16/R10-4 at 34 Ill. Reg, effective
136		
137		SUBPART A: GENERAL
138		
139	Section 722.	110 Purpose, Scope, and Applicability
140		
141	a)	This Part establishes standards for generators of hazardous waste.
142	,	
143	b)	A generator must use 35 Ill. Adm. Code 721.105(c) and (d) to determine the
144	,	applicability of provisions of this Part that are dependent on calculations of the
145		quantity of hazardous waste generated per month.
146		
147	c)	A generator that treats, stores, or disposes of a hazardous waste on-site must
148	,	comply only with the following Sections of this Part with respect to that waste:
149		Section 722.111, for determining whether or not the generator has a hazardous
150		waste; Section 722.112, for obtaining an USEPA identification number; Section
151		722.140(c) and (d), for recordkeeping; Section 722.143, for additional reporting;
152		and Section 722.170, for farmers, if applicable.
153		
154	d)	Any person that exports or imports hazardous waste that is subject to the
155	,	hazardous waste manifesting requirements of this Part or the universal waste
156		management standards of 35 Ill. Adm. Code 733, to or from countries listed in
157		Section 722.158(a)(1) for recovery, must comply with Subpart H of this Part.
158		
159	e)	Any person that imports hazardous waste into the United States must comply with
160		the generator standards of this Part.
161		
162	f)	A farmer that generates waste pesticides that are hazardous waste and which
163		complies with Section 722.170 is not required to comply with other standards in
164		this Part or 35 Ill. Adm. Code 702, 703, 724 through 728, 733, or 739 with respect
165		to such pesticides.
166		-
167	g)	A person that generates a hazardous waste, as defined by 35 Ill. Adm. Code 721,
168		is subject to the compliance requirements and penalties prescribed in Title VIII
169		and XII of the Environmental Protection Act if that person does not comply with
170		this Part.
171		
172	h)	An owner or operator that initiates a shipment of hazardous waste from a

173 174 175		treatment, storage, or disposal facility must comply with the generator standards established in this Part.
176	i)	A person responding to an explosives or munitions emergency in accordance with
177		35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code
178		725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is
179		not required to comply with the standards of this Part.
180		
181	j)	This subsection corresponds with 40 CFR 262.10(j), a provision that relates only
182		to facilities in the Commonwealth of Massachusetts. This statement maintains
183		structural consistency with USEPA rules.
184		
185	<u>k)</u>	This subsection corresponds with 40 CFR 262.10(k), a provision that relates only
186		to facilities in the Commonwealth of Massachusetts. This statement maintains
187		structural consistency with USEPA rules.
188		
189	<u>l)</u>	The laboratories owned by an eligible academic entity that chooses to be subject
190		to the requirements of Subpart K of this Part are not subject to the requirements
191		set forth in subsections (1)(1) and (1)(2) of this Section, except as specifically
192		otherwise provided in Subpart K of this Part. For purposes of this subsection (1),
193		the terms "laboratory" and "eligible academic entity" shall have the meanings
194		given them in Section 722.300.
195		
196		1) The requirements of Section 722.111, for a large quantity generator, or
197		Section 722.134(c), for a small quantity generator; and
198		
199		2) The conditions of 35 Ill. Adm. Code 721.105(b), for a conditionally
200		exempt small quantity generator.
201	2012	
202		RD NOTE: The provisions of Section 722.134 are applicable to the on-site
203		nulation of hazardous waste by generators. Therefore, the provisions of Section
204		34 only apply to an owner or operator that is shipping hazardous waste which it
205		ated at that facility. A generator that treats, stores, or disposes of hazardous waste
206		e must comply with the applicable standards and permit requirements set forth in 35
207	III. Ad	Im. Code 702, 703, 724 through 728, 733, and 739.
208	(5	
209	(Sourc	ce: Amended at 34 Ill. Reg, effective)
210	Section 722 1	12 LISEDA Identification Numbers
211 212	Section /22.1	12 USEPA Identification Numbers
212	a)	A generator must not treat, store, dispose of, transport, or offer for transportation
213	aj	hazardous waste without having received a USEPA identification number from
214		USEPA.
215		

· · ·

216			
217	b)	A ger	nerator that has not received a USEPA identification number may obtain one
218	,	-	plying to USEPA Region 5the Administrator using USEPA Form 8700-
219			The generator must obtain a copy of the form from the Agency, Bureau of
220			(217-782-6762), and submit a completed copy of the form to the Bureau of
221			in addition to any notification directly to USEPA. Upon receiving the
222			st USEPA will assign a USEPA identification number to the generator.
223		Toque	st Oblit A will assign a Oblit A Identification number to the generator.
223		A ger	perstor must not offer its hazardaus wests to transportant or to treatment
224	c)		nerator must not offer its hazardous waste to transporters or to treatment,
225			ge or disposal facilities that have not received a USEPA identification
		numb	er.
227	(0		
228	(Sourd	ce: Am	ended at 34 Ill. Reg, effective)
229			
230			SUBPART B: THE MANIFEST
231	• •		
232	Section 722.1	21 Ma	anifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
233			
234	a)	USEP	PA approval of manifest.
235			
236		1)	A registrant may not print the manifest or have the manifest printed for
237			use or distribution, unless it has received approval from the USEPA
238			Director of the Office of Resource Conservation and RecoverySolid Waste
239			to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections
240			(c) and (e) of this Section.
241			
242		2)	The approved registrant is responsible for ensuring that the organizations
243			identified in its application are in compliance with the procedures of its
244			approved application and the requirements of 40 CFR 262.21, as described
245			in this Section. The registrant is responsible for assigning manifest
246			tracking numbers to its manifests.
247			
248	b)	A regi	istrant must submit an initial application to the USEPA Director of the
249	-)		e of <u>Resource</u> Conservation and Recovery Solid Waste that contains the
250			ving information:
251		10110 0	ing momation.
252		1)	The name and mailing address of registrant;
253		1)	The name and maning address of registrant,
254		2)	The name, telephone number, and email address of contact person;
255		2)	The name, receptione number, and email address of contact person;
255		3)	A brief description of registrant's government or business activity;
250		5)	A orier description of registrant's government of dusiness activity;
258			The LISEDA identification number of the resistant if any limited
230		4)	The USEPA identification number of the registrant, if applicable;

.

260 5) A description of the scope of the operations that the registrant plans to 261 undertake in printing, distributing, and using its manifests, including the 262 following: 263 264 A) A description of the printing operation. The description should 265 include an explanation of whether the registrant intends to print its 266 manifests in-house (i.e., using its own printing establishments) or 267 through a separate (i.e., unaffiliated) printing company. If the 268 registrant intends to use a separate printing company to print the 269 manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. 270 271 If this includes the use of intermediaries (e.g., prime and 272 subcontractor relationships), the role of each must be discussed. 273 The application must provide the name and mailing address of 274 each company. It also must provide the name and telephone 275 number of the contact person at each company; 276 277 B) A description of how the registrant will ensure that its organization 278 and unaffiliated companies, if any, comply with the requirements 279 of 40 CFR 262.21, as described in this Section. The application 280 must discuss how the registrant will ensure that a unique manifest 281 tracking number will be preprinted on each manifest. The 282 application must describe the internal control procedures to be 283 followed by the registrant and unaffiliated companies to ensure 284 that numbers are tightly controlled and remain unique. In 285 particular, the application must describe how the registrant will 286 assign manifest tracking numbers to its manifests. If computer 287 systems or other infrastructure will be used to maintain, track, or 288 assign numbers, these should be indicated. The application must 289 also indicate how the printer will pre-print a unique number on 290 each form (e.g., crash or press numbering). The application also 291 must explain the other quality procedures to be followed by each 292 establishment and printing company to ensure that all required 293 print specifications are consistently achieved and that printing 294 violations are identified and corrected at the earliest practicable 295 time; and 296 297 C) An indication of whether the registrant intends to use the manifests 298 for its own business operations or to distribute the manifests to a 299 separate company or to the general public (e.g., for purchase); 300

301 302 303 304 305 306		6)	A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;
307 308 309 310 311		7)	Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and
312 313 314 315 316 317 318 319 320		8)	A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of <u>Resource Conservation and RecoverySolid Waste</u> of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
321 322 323 324	c)	and eit	A will review the application submitted under subsection (b) of this Section ther approve it or request additional information or modification before ving it.
325 326	d)	Submi	ission of document samples.
327 328 329 330 331 332 333 334 335 336 337 338 339		1) 2)	Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) of this Section. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section.
340 341 342 343		2)	 A) The paper type (i.e., manufacturer and grade of the manifest paper);

, •

344				
345			B)	The paper weight of each copy;
346				
347			C)	The ink color of the manifest's instructions. If screening of the ink
348				was used, the registrant must indicate the extent of the screening;
349				and
350				
351			D)	The method of binding the copies.
352				
353		3)	The re	gistrant need not submit samples of the continuation sheet if it will
354			print it	ts continuation sheet using the same paper type, paper weight of
355			each c	opy, ink color of the instructions, and binding method as its
356			manife	est form samples.
357				-
358	e)	USEP.	A will e	valuate the forms and either approve the registrant to print them as
359				equest additional information or modification to them before
360		approv	val. US	EPA will notify the registrant of its decision by mail. The registrant
361		cannot	t use or	distribute its forms until USEPA approves them. An approved
362				t print the manifest and continuation sheet according to its
363				proved by USEPA pursuant to 40 CFR 262.21(c), as described in
364				of this Section and the manifest specifications in 40 CFR 262.21(f),
365				n subsection (f) of this Section. It also must print the forms
366				he paper type, paper weight, ink color of the manifest instructions
367				ethod of its approved forms.
368			•	
369	f)	Paper	manifes	ts and continuation sheets must be printed according to the
370				cifications:
371				
372		1)	The ma	anifest and continuation sheet must be printed with the exact format
373				pearance as USEPA Forms 8700-22 and 8700-22A, respectively.
374			Howev	ver, information required to complete the manifest may be
375				nted on the manifest form.
376				
377		2)	A uniq	ue manifest tracking number assigned in accordance with a
378		·	-	ring system approved by USEPA must be pre-printed in Item 4 of
379				nifest. The tracking number must consist of a unique three-letter
380				following nine digits.
381				
382		3)	The ma	anifest and continuation sheet must be printed on 8½ x 11-inch
383		-		paper, excluding common stubs (e.g., top- or side-bound stubs).
384			-	per must be durable enough to withstand normal use.
385			-	

386 387 388 389	4)	be leg	nanifest and continuation sheet must be printed in black ink that can gibly photocopied, scanned, and faxed, except that the marginal s indicating copy distribution must be in red ink.
390 391 392 393 394 395 396	5)	Copy and ty Copie reason	nanifest and continuation sheet must be printed as six-copy forms. -to-copy registration must be exact within 1/32 inch. Handwritten yped impressions on the form must be legible on all six copies. es must be bound together by one or more common stubs that nably ensure that they will not become detached inadvertently during al use.
390 397 398 399	6)		copy of the manifest and continuation sheet must indicate how the must be distributed, as follows:
400 401 402		A)	Page 1 (top copy): "Designated facility to destination State (if required)."
403 404		B)	Page 2: "Designated facility to generator State (if required)."
405 406		C)	Page 3: "Designated facility to generator."
407 408		D)	Page 4: "Designated facility's copy."
409 410		E)	Page 5: "Transporter's copy."
410 411 412		F)	Page 6 (bottom copy): "Generator's initial copy."
413 414 415 416 417 418 419 420 421 422 423 424 425	7)	Waste Their 720.1 and co this su	 istructions in the appendix to 40 CFR 262 (Uniform Hazardous e Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Instructions)), incorporated by reference in 35 Ill. Adm. Code 11(b), must appear legibly on the back of the copies of the manifest pontinuation sheet as provided in 40 CFR 262.21(f), as described in ubsection (f). The instructions must not be visible through the front copies when photocopied or faxed. Manifest Form 8700-22. i) The "Instructions for Generators" on Copy 6;
425 426 427			 The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and

428 429 430				iii)	The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
431 432			B)	Mani	fest Form 8700-22A.
433				i)	The "Instructions for Generators" on Copy 6;
434 435				ii)	The "Instructions for Transporters" on Copy 5; and
436 437				iii)	The "Instructions for Treatment, Storage, and Disposal
438 439					Facilities" on Copy 4.
440 441	g)	Use o	f approv	ved mar	nifests.
442 443		1)	-		nay use manifests printed by any source so long as the source form has received approval from USEPA to print the
444 445					suant to 40 CFR 262.21(c) and (e), as described in c) and (e) of this Section. A registered source may be any of
446 447				llowing	
448 449			A)	A stat	e agency;
450 451			B)	A con	nmercial printer;
452 453 454			C)		ardous waste generator, transporter, or treatment, storage, or sal facility; or
455 456			D)		ardous waste broker or other preparer who prepares or ges shipments of hazardous waste for transportation.
457 458 459		2)	consig	gnment	nerator must determine whether the generator state or the state for a shipment regulates any additional wastes (beyond
460 461			author	rized pr	ed federally) as hazardous wastes under these states' ograms. The generator must also determine whether the
462 463			copies	of the	state or generator state requires the generator to submit any manifest to these states. In cases where the generator must
464 465					to either the generator's state or the consignment state, the esponsible for supplying legible photocopies of the manifest
466 467				se states	
468 469	h)	Manif	est revi	sions.	

470 1) If an approved registrant would like to update any of the information 471 provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section (e.g., to update a 472 473 company phone number or name of contact person), the registrant must 474 revise the application and submit it to the USEPA Director of the Office of 475 Resource Conservation and RecoverySolid Waste, along with an 476 indication or explanation of the update, as soon as practicable after the 477 change occurs. The USEPA will either approve or deny the revision. If 478 USEPA denies the revision, it will explain the reasons for the denial, and 479 it will contact the registrant and request further modification before 480 approval. 481 482 2) If the registrant would like a new tracking number suffix, the registrant 483 must submit a proposed suffix to the USEPA Director of the Office of 484 Resource Conservation and RecoverySolid Waste, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix 485 486 and provide an explanation why it is not acceptable. 487 488 3) If a registrant would like to change the paper type, paper weight, ink color 489 of the manifest instructions, or binding method of its manifest or 490 continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 491 262.21(e), as described in this subsection (e) of this Section, then the 492 registrant must submit three samples of the revised form for USEPA 493 review and approval. If the approved registrant would like to use a new 494 printer, the registrant must submit three manifest samples printed by the 495 new printer, along with a brief description of the printer's qualifications to 496 print the manifest. USEPA will evaluate the manifests and either approve 497 the registrant to print the forms as proposed or request additional 498 information or modification to them before approval. USEPA will notify 499 the registrant of its decision by mail. The registrant cannot use or 500 distribute its revised forms until USEPA approves them. 501 502 i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as 503 described in subsection (e) of this Section, a registrant typesets its manifest or 504 continuation sheet instead of using the electronic file of the forms provided by 505 USEPA, it must submit three samples of the manifest or continuation sheet to the 506 registry for approval. USEPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional 507 508 information or modification to them before approval. USEPA will notify the 509 registrant of its decision by mail. The registrant cannot use or distribute its 510 typeset forms until USEPA approves them. 511

512 513 514 515 516 517 518 519 520	j)	pursu this S forms regist weigh appro	USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) of this Section, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples approved for some other registrant). A registrant may request an exemption from USEPA by indicating why an exemption is warranted.						
521 522 523 524	k)	becon	An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.						
525 526 527 528 529 530	1)	262.2 that th bindin	If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.						
531	m)	Effect	ts of no	n-compliance.					
532	,			•					
533		1)	USEF	A may suspend and, if necessary, revoke printing privileges if we					
534				hat the registrant has done either of the following:					
535				the registration and active of the relief of the					
536			A)	The registrant has used or distributed forms that deviate from its					
537)	approved form samples in regard to paper weight, paper type, ink					
538				color of the instructions, or binding method; or					
539				torior of the more wonting, of omaning moniou, of					
540			B)	The registrant exhibits a continuing pattern of behavior in using or					
541			-)	distributing manifests that contain duplicate manifest tracking					
542				numbers.					
543									
544		2)	USEP	A will send a warning letter to the registrant that specifies the date					
545				nich it must come into compliance with the requirements. If the					
546			-	rant does not come in compliance by the specified date, USEPA will					
547				a second letter notifying the registrant that USEPA has suspended or					
548				ed its printing privileges. An approved registrant must provide					
549			inform	nation on its printing activities to the Agency and USEPA if					
550			reques	sted.					
551									
552	(Sour	ce: Am	ended a	at 34 Ill. Reg, effective)					
553									
554			SUBPA	ART C: PRE-TRANSPORT REQUIREMENTS					

x S

555								
556	Section 722.134 Accumulation Time							
557								
558	a)	Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a						
559				from all the requirements in Subparts G and H of 35 Ill. Adm.				
560			35 Ill. Adm. Code 725.211 and 725.214, and may					
561		accumulate hazardous waste on-site for 90 days or less without a permit or						
562			vithout having interim status, provided that the following conditions are fulfilled					
563			U					
564		1) The	The waste is placed in or on one of the following types of units, and th					
565				nplies with the applicable requirements:				
566		-						
567		A)	In cor	tainers, and the generator complies with Subparts I, AA, BB,				
568				C of 35 Ill. Adm. Code 725;				
569								
570		B)	In tan	ks, and the generator complies with Subparts J, AA, BB, and				
571				5 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c)				
572				25.300;				
573								
574		C)	On dr	ip pads, and the generator complies with Subpart W of 35 Ill.				
575			Adm.	Code 725 and maintains the following records at the facility:				
576								
577			i)	A description of the procedures that will be followed to				
578				ensure that all wastes are removed from the drip pad and				
579				associated collection system at least once every 90 days;				
580				and				
581								
582			ii)	Documentation of each waste removal, including the				
583				quantity of waste removed from the drip pad and the sump				
584				or collection system and the date and time of removal; or				
585			Ŧ					
586		D)		tainment buildings, and the generator complies with Subpart				
587				f 35 Ill. Adm. Code 725 (has placed its Professional Engineer				
588				certification that the building complies with the design				
589				ards specified in 35 Ill. Adm. Code 725.1101 in the facility's				
590			-	ting record prior to the date of initial operation of the unit).				
591 502				wner or operator must maintain the following records at the				
592 593			facilit	y.				
593 594			5	A written departmention of managed and to a survey that and				
594 595			i)	A written description of procedures to ensure that each				
595 596				waste volume remains in the unit for no more than 90 days,				
590 597				a written description of the waste generation and				
571				management practices for the facility showing that they are				

		JCAR350722-1011298r01				
598 599 600		consistent with respect to the 90 day limit, and documentation that the procedures are complied with; or				
601 602 603	ii)	Documentation that the unit is emptied at least once every 90 days;				
604 605 606	that appears i	TE: The Board placed the "in addition" hanging subsection n the federal rules after 40 CFR 262.34(a)(1)(iv)(B) in the to subsection (a) of this Section.				
607 608 609	2) The date upon	n which each period of accumulation begins is clearly risible for inspection on each container;				
610 611 612		accumulated on-site, each container and tank is labeled or ly with the words "Hazardous Waste"; and				
613 614 615 616	Subparts C ar	r complies with the requirements for owners or operators in ad D of 35 Ill. Adm. Code 725 and with 35 Ill. Adm. Code 728.107(a)(5).				
617 618 b) 619	operator of a storage	imulates hazardous waste for more than 90 days is an facility. Such a generator is subject to the requirements of				
620 621 622 623	35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may					
624 625 626 627	seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).					
628 629 c) 630		ne point of generation.				
631 632 633	waste or one (721.133(e) in	hay accumulate as much as 55 gallons (208 ℓ) of hazardous quart of acutely hazardous waste listed in 35 Ill. Adm. Code containers at or near any point of generation where wastes				
634 635 636 637	initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following:					
638 639 640	A) The g	enerator complies with 35 Ill. Adm. Code 725.271, 725.272, 25.273(a); and				

. .

641 642 B) The generator marks the containers either with the words 643 "Hazardous Waste" or with other words that identify the contents 644 of the containers. 645 646 2) A generator that accumulates either hazardous waste or acutely hazardous 647 waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts 648 listed in subsection (c)(1) of this Section at or near any point of generation 649 must, with respect to that amount of excess waste, comply within three 650 days with subsection (a) of this Section or other applicable provisions of 651 this Chapter. During the three day period the generator must continue to 652 comply with subsection (c)(1) of this Section. The generator must mark 653 the container holding the excess accumulation of hazardous waste with the 654 date the excess amount began accumulating. 655 656 d) A generator that generates greater than 100 kilograms but less than 1,000 657 kilograms of hazardous waste in a calendar month may accumulate hazardous 658 waste on-site for 180 days or less without a permit or without having interim 659 status provided that the following conditions are fulfilled: 660 The quantity of waste accumulated on-site never exceeds 6,000 kilograms; 661 1) 662 663 2) The generator complies with the requirements of Subpart I of 35 Ill. Adm. 664 Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278); 665 666 3) The generator complies with the requirements of 35 Ill. Adm. Code 667 725.301; 668 669 4) The generator complies with the requirements of subsections (a)(2) and 670 (a)(3) of this Section, Subpart C of 35 Ill. Adm. Code 725, and 35 Ill. 671 Adm. Code 728.107(a)(5); and 672 673 5) The generator complies with the following requirements: 674 675 **A**) At all times there must be at least one employee either on the 676 premises or on call (i.e., available to respond to an emergency by 677 reaching the facility within a short period of time) with the 678 responsibility for coordinating all emergency response measures 679 specified in subsection (d)(5)(D) of this Section. The employee is 680 the emergency coordinator. 681 682 B) The generator must post the following information next to the 683 telephone:

JCAR350722-1011298r01

684			
685		i)	The name and telephone number of the emergency
686		,	coordinator;
687			,
688		ii)	Location of fire extinguishers and spill control material
689			and, if present, fire alarm; and
690			······, ··· F-·····, ···· ··· ···, ·····
691		iii)	The telephone number of the fire department, unless the
692)	facility has a direct alarm.
693			
694	C)	The ge	merator must ensure that all employees are thoroughly
695	0)	-	ar with proper waste handling and emergency procedures,
696			it to their responsibilities during normal facility operations
697			rergencies.
698			101 50110100.
699	D)	The en	nergency coordinator or designee must respond to any
700	<i>D</i>)		encies that arise. The following are applicable responses:
701		ennerge	sholes that arise. The following are applicable responses.
702		i)	In the event of a fire, call the fire department or attempt to
703		1)	extinguish it using a fire extinguisher;
704			extinguish it using a me extinguisher,
705		ii)	In the event of a spill, contain the flow of hazardous waste
706		11)	to the extent possible and, as soon as is practicable, clean
707			
708			up the hazardous waste and any contaminated materials or soil; and
709			son, and
710		;;;)	In the event of a fire, evenlagion, or other release that could
711		iii)	In the event of a fire, explosion, or other release that could throaten human health outside the facility, or when the
712			threaten human health outside the facility, or when the
712			generator has knowledge that a spill has reached surface
714			water, the generator must immediately notify the National
715			Response Center (using its 24-hour toll free number 800-
			424-8802).
716	E)	A	et to the Netional Demonse Contenues of the set
717 718	E)	-	rt to the National Response Center pursuant to subsection
719			D)(iii) of this Section must include the following
720		inform	ation:
		5	The name address and LIGED A identification much
721 722		i)	The name, address, and USEPA identification number
723			(Section 722.112 of this Part) of the generator;
723		::)	The data time and time of institute (a second time of)
725		ii)	The date, time, and type of incident (e.g., spill or fire);
145			

726		iii) The quantity and type of hazardous waste involved in the
727		incident; the extent of injuries, if any; and
728		
729		iv) The estimated quantity and disposition of recoverable
730		materials, if any.
731		
732		BOARD NOTE: The Board has codified 40 CFR
733		262.34(d)(5)(iv)(C)(1) through $(d)(5)(iv)(C)(5)$ as subsections
734		(d)(5)(E)(i) through $(d)(5)(E)(iv)$ because Illinois Administrative
735		Code codification requirements do not allow the use of a fifth level
736		of subsection indents.
737	->	
738	e)	A generator that generates greater than 100 kilograms but less than 1,000
739		kilograms of hazardous waste in a calendar month and that must transport the
740 741		waste or offer the waste for transportation over a distance of 200 miles or more
741		for off-site treatment, storage, or disposal may accumulate hazardous waste on-
742		site for 270 days or less without a permit or without having interim status,
743		provided that the generator complies with the requirements of subsection (d) of this Section.
745		
745 746	f)	A generator that generates greater than 100 kilograms but less than 1,000
747	1)	kilograms of hazardous waste in a calendar month and that accumulates
748		hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste
749		for more than 180 days (or for more than 270 days if the generator must transport
750		the waste or offer the waste for transportation over a distance of 200 miles or
751		more) is an operator of a storage facility and is subject to the requirements of 35
752		Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code
753		703, unless the generator has been granted an extension to the 180-day (or 270-
754		day if applicable) period. If hazardous wastes must remain on-site for longer than
755		180 days (or 270 days if applicable) due to unforeseen, temporary, and
756		uncontrollable circumstances, the generator may seek an extension of up to 30
757		days by means of variance or provisional variance pursuant to Sections 35(b),
758		36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c),
759		and 37(b)].
760		
761	g)	A generator that generates 1,000 kilograms or greater of hazardous waste per
762		calendar month which also generates wastewater treatment sludges from
763		electroplating operations that meet the listing description for the RCRA hazardous
764		waste code F006, may accumulate F006 waste on-site for more than 90 days, but
765		not more than 180 days, without a permit or without having interim status
766		provided that the generator fulfills the following conditions:
767		
768		1) The generator has implemented pollution prevention practices that reduce

n r

769 770 771 772		the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling;			
773 774	2)	The F006 waste is legitimately recycled through metals recovery;			
775 776	3)	No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and			
777 778 779	4)	The F006 waste is managed in accordance with the following conditions:			
780 781 782		A)	The F006 waste is placed in one of the following containing devices:		
783 784 785			i) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;		
786 787 788 789 790			 ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300; or 		
791 792 793 794 795 796 797 798 799			 iii) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the records listed in subsection (g)(4)(F) of this Section at the facility; 		
800 801 802 803 804		B)	In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;		
805 806 807		C)	The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;		
808 809		D)	While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste";-and		
810 811		E)	The generator complies with the requirements for owners or		

812 813 814 815			Ill. A	tors in Subparts C and D of 35 Ill. Adm. Code 725, with 35 dm. Code 725.116, and with 35 Ill. Adm. Code 07(a)(5); and-
816 817		F)	Requ	ired records for a containment building:
817			Ð	A remittee description of an or long to a surger that the POOC
819			i)	A written description of procedures to ensure that the F006
819				waste remains in the unit for no more than 180 days, a
820				written description of the waste generation and
822				management practices for the facility showing that they are
823				consistent with the 180-day limit, and documentation that
824				the generator is complying with the procedures; or
825			ii)	Documentation that the unit is emptied at least once every
826			11)	180 days.
827				100 days.
828			BOAI	RD NOTE: The Board has codified 40 CFR
829				4(g)(4)(i)(C)(1) and $(g)(4)(i)(C)(2)$ as subsections $(g)(4)(F)(i)$
830				g(4)(F)(ii) because Illinois Administrative Code codification
831				rements do not allow the use of a fifth level of subsection
832			inden	
833				
834	h)	A generator th	hat gen	erates 1,000 kilograms or greater of hazardous waste per
835	,			ch also generates wastewater treatment sludges from
836				ions that meet the listing description for the RCRA hazardous
837				d which must transport this waste or offer this waste for
838				distance of 200 miles or more for off-site metals recovery
839				
		may accumula	ate ruu	6 waste on-site for more than 90 days, but not more than 270
840				6 waste on-site for more than 90 days, but not more than 270 it or without having interim status if the generator complies
840 841		days, without	a perm	it or without having interim status if the generator complies
		days, without	a perm	
841	i)	days, without with the requi	a perm irement ccumul	it or without having interim status if the generator complies is of subsections $(g)(1)$ through $(g)(4)$ of this Section. lating F006 in accordance with subsections (g) and (h) of this
841 842	i)	days, without with the requi	a perm irement ccumul	it or without having interim status if the generator complies is of subsections $(g)(1)$ through $(g)(4)$ of this Section. lating F006 in accordance with subsections (g) and (h) of this
841 842 843 844 845	i)	days, without with the requi A generator a Section that a than 270 days	a perm rement ccumul ccumul if the g	it or without having interim status if the generator complies is of subsections (g)(1) through (g)(4) of this Section. lating F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for
841 842 843 844 845 846	i)	days, without with the requi A generator a Section that a than 270 days	a perm rement ccumul ccumul if the g	ating F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more
841 842 843 844 845 846 847	i)	days, without with the requi A generator a Section that a than 270 days transportation than 20,000 k	a perm rement ccumul i f the g over a ilogram	it or without having interim status if the generator complies is of subsections $(g)(1)$ through $(g)(4)$ of this Section. Lating F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for distance of 200 miles or more) or which accumulates more ns of F006 waste on-site is an operator of a storage facility,
841 842 843 844 845 846 847 848	i)	days, without with the requi A generator a Section that a than 270 days transportation than 20,000 k and such a gen	a perm rement ccumul ccumul if the g over a ilogram nerator	it or without having interim status if the generator complies is of subsections (g)(1) through (g)(4) of this Section. lating F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for distance of 200 miles or more) or which accumulates more as of F006 waste on-site is an operator of a storage facility, is subject to the requirements of 35 Ill. Adm. Code 724 and
841 842 843 844 845 846 847 848 849	i)	days, without with the requi A generator a Section that a than 270 days transportation than 20,000 k and such a gen 725 and the po	a perm rement ccumul if the g over a ilogram nerator ermit re	tit or without having interim status if the generator complies is of subsections $(g)(1)$ through $(g)(4)$ of this Section. Atting F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for distance of 200 miles or more) or which accumulates more is of F006 waste on-site is an operator of a storage facility, is subject to the requirements of 35 Ill. Adm. Code 724 and equirements of 35 Ill. Adm. Code 703, unless the
841 842 843 844 845 845 846 847 848 849 850	i)	days, without with the requi A generator a Section that a than 270 days transportation than 20,000 k and such a gen 725 and the po generator has	a perm rement ccumul i f the g over a ilogram nerator ermit re been g	it or without having interim status if the generator complies is of subsections (g)(1) through (g)(4) of this Section. lating F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for distance of 200 miles or more) or which accumulates more is of F006 waste on-site is an operator of a storage facility, is subject to the requirements of 35 Ill. Adm. Code 724 and equirements of 35 Ill. Adm. Code 702 and 703, unless the ranted an extension to the 180-day (or 270-day if applicable)
841 842 843 844 845 846 847 848 849 850 851	i)	days, without with the requi A generator a Section that a than 270 days transportation than 20,000 k and such a gen 725 and the po generator has	a perm rement ccumul i f the g over a ilogram nerator ermit re been g	tit or without having interim status if the generator complies is of subsections $(g)(1)$ through $(g)(4)$ of this Section. Atting F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for distance of 200 miles or more) or which accumulates more is of F006 waste on-site is an operator of a storage facility, is subject to the requirements of 35 Ill. Adm. Code 724 and equirements of 35 Ill. Adm. Code 702 and 703, unless the
841 842 843 844 845 846 847 848 849 850 851 852	i)	days, without with the requi A generator a Section that a than 270 days transportation than 20,000 k and such a gen 725 and the po generator has period or an e	a perm rement ccumul if the g over a ilogram nerator ermit re been g xceptio	hit or without having interim status if the generator complies is of subsections (g)(1) through (g)(4) of this Section. Alting F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for distance of 200 miles or more) or which accumulates more ns of F006 waste on-site is an operator of a storage facility, is subject to the requirements of 35 Ill. Adm. Code 724 and equirements of 35 Ill. Adm. Code 702 and 703, unless the ranted an extension to the 180-day (or 270-day if applicable) on to the 20,000 kilogram accumulation limit.
841 842 843 844 845 846 847 848 849 850 851	i)	days, without with the requi A generator a Section that a than 270 days transportation than 20,000 k and such a gen 725 and the po generator has period or an e	a perm rement ccumul ccumul if the g over a ilogram nerator ermit re been g xceptio	it or without having interim status if the generator complies is of subsections (g)(1) through (g)(4) of this Section. lating F006 in accordance with subsections (g) and (h) of this lates F006 waste on-site for more than 180 days (or for more generator must transport this waste or offer this waste for distance of 200 miles or more) or which accumulates more as of F006 waste on-site is an operator of a storage facility, is subject to the requirements of 35 Ill. Adm. Code 724 and equirements of 35 Ill. Adm. Code 702 and 703, unless the ranted an extension to the 180-day (or 270-day if applicable)

x *

855 856 857 858 859			36(c), longe	ant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), and 37(b)] if it finds that the F006 waste must remain on-site for r than 180 days (or 270 days if applicable) due to unforeseen, orary, and uncontrollable circumstances.
860 861 862 863 864 865		2)	pursua 36(c), accum F006	case-by-case basis, the Agency must grant a provisional variance ant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), and 37(b)] that allows an exception to the 20,000 kilogram nulation limit if the Agency finds that more than 20,000 kilograms of waste must remain on-site due to unforeseen, temporary, and
865 866 867 868 869 870		3)	A gen procee	trollable circumstances. erator must follow the procedure of 35 Ill. Adm. Code 180 (Agency dural rules) when seeking a provisional variance under subsection or (i)(2) of this Section.
871 872 873 874 875 876	j)	that ge or mor withou	enerates re of ac ut a peri	the federal National Environmental Performance Track program a 1,000 kg or greater of hazardous waste per month (or one kilogram ute hazardous waste) may accumulate hazardous waste on-site mit or interim status for an extended period of time, provided that conditions are fulfilled:
870 877 878 879 880 881		1)	days, waste	enerator accumulates the hazardous waste for no more than 180 or for no more than 270 days if the generator must transport the (or offer the waste for transport) more than 200 miles from the ating facility;
882 883 884 885 886		2)	its inte period	enerator first notifies USEPA Region 5 and the Agency in writing of ent to begin accumulation of hazardous waste for extended time is under the provisions of this Section. Such advance notice must e the following information:
887 888 889 890 891			A)	The name and USEPA <u>identification</u> number of the facility and specification of when the facility will begin accumulation of hazardous wastes for extended periods of time in accordance with this Section;
892 893 894 895			B)	A description of the types of hazardous wastes that will be accumulated for extended periods of time and the units that will be used for such extended accumulation;
896 897			C)	A statement that the facility has made all changes to its operations; procedures, including emergency preparedness procedures; and

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 898 899 900 901 902 903 904 905 906 907 		D)	equipment, including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility;
908 909	3)	The w	raste is managed in the following types of units:
910			
911		A)	Containers, in accordance with the applicable requirements of
912			Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725 and 35 Ill.
913			Adm. Code 724.275;
914		-	
915		B)	Tanks, in accordance with the requirements of Subparts J, AA, BB,
916			and CC of 35 Ill. Adm. Code 725, except for Sections 725.297(c)
917			and Section 725.300;
918		~	
919		C)	Drip pads, in accordance with Subpart W of 35 Ill. Adm. Code
920			725; or
921			
922		D)	Containment buildings, in accordance with Subpart DD of 35 Ill.
923			Adm. Code 725;
924		(T)1	
925	4)	-	uantity of hazardous waste that is accumulated for extended time
926		period	s at the facility does not exceed 30,000 kg;
927	5)	The	
928 929	5)	_	enerator maintains the following records at the facility for each unit
929 930		used I	or extended accumulation times:
930		A)	A written description of another to any such that as all such
932		A)	A written description of procedures to ensure that each waste
932			volume remains in the unit for no more than 180 days (or 270 days,
934			as applicable), a description of the waste generation and
935			management practices at the facility showing that they are consistent with the extended accumulation time limit, and
936			,
937			documentation that the procedures are complied with; or
938		B)	Documentation that the unit is emptied at least once every 180
939		J)	days (or 270 days, if applicable);
940			a_{3} (or $2/0$ days, if applicatio),
2.0			

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941 942 943 944 945	6)	Each container or tank that is used for extended accumulation time periods is labeled or marked clearly with the words "Hazardous Waste," and for each container the date upon which each period of accumulation begins is clearly marked and visible for inspection;			
946 947 948 949 950	7)	The generator complies with the requirements for owners and operators in Subparts C and D of 35 Ill. Adm. Code 725, 35 Ill. Adm. Code 725.116, and 35 Ill. Adm. Code 728.107(a)(5). In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;			
951 952 953 954 955 956	8)	The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants released to the environment prior to its recycling, treatment, or disposal; and			
957 958 959 960	9)	Envir must	enerator includes the following information with its federal National onmental Performance Track Annual Performance Report, which be submitted to the USEPA Region 5 and the Agency:		
961 962 963 964 965		A) B)	Information on the total quantity of each hazardous waste generated at the facility that has been managed in the previous year according to extended accumulation time periods;		
965 967 968 969 970 971 972 973		D)	Information for the previous year on the number of off-site shipments of hazardous wastes generated at the facility, the types and locations of destination facilities, how the wastes were managed at the destination facilities (e.g., recycling, treatment, storage, or disposal), and what changes in on-site or off-site waste management practices have occurred as a result of extended accumulation times or other pollution prevention provisions of this Section;		
974 975 976 977		C)	Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and		
978 979 980 981 982 983		D)	If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility.		

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984 985 986 987 988 989 989 990 991 992	operated exclusively by USEPA. U 65 Fed. Reg. 41655 (July 6, 2000)) 27922 (May 17, 2004)). USEPA c	vironmental Performance Track program is JSEPA established the program in 2000 (see and amended it in 2004 (see 69 Fed. Reg. onfers membership in the program on le entities. Information about the program is d by USEPA: www.epa.gov/
993 994 995 996 997 998 999 1000	National Environmental Performan 180 days (or 270 days, if applicable due to unforeseen, temporary, and extension to the extended accumula	wastes must remain on-site at a federal ace Track member facility for longer than the e) allowed under subsection (j) of this Section uncontrollable circumstances, it must grant an ation time period of up to 30 days on a case-by- e pursuant to Sections 35(b), 36(c), and 37(b)), and 37(b)].
1001 1002 1003 1004 1005 1006 1007	Performance Track program or if U membership, the generator must ret	raws from the National Environmental JSEPA Region 5 terminates a generator's turn to compliance with all otherwise ions as soon as possible, but no later than six
1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019	the understanding that the designate and which later receives that shipm accordance with the manifest discre- 724.172 or 725.172 may accumulat subsections (a) and (b) or (d), (e), a amount of hazardous waste on-site returned shipment, the generator magnetic subsection magnetic shipment is a statement of the statement statement of th	of hazardous waste to a designated facility with ed facility can accept and manage the waste ent back as a rejected load or residue in epancy provisions of 35 Ill. Adm. Code te the returned waste on-site in accordance with nd (f) of this Section, depending on the in that calendar month. Upon receipt of the ust sign the appropriate of the following: the transporter returned the shipment using the
1019 1020 1021 1022 1023 1024 1025 1026	 Item 20 of the manifest, if the new manifest. (Source: Amended at 34 Ill. Reg, SUBPART H: TRANSFRO HAZARDOUS WASTE FOR RECOMMANDED 	NTIER SHIPMENTS OF

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1027										
1028	Section 722.187 Reporting and Recordkeeping									
1029										
1030	a)	Annua	al reports. For all waste movements subject to this Subpart H, persons (e.g.,							
1031	,		ers, recognized traders, etc.) that meet the definition of primary exporter in							
1032			n 722.151 must file an annual report with the Office of Enforcement and							
1033		Compliance Assurance, Office of Federal ActivitiesActivites, International								
1034		Compliance Assurance Division (2254A), U.S. Environmental Protection								
1035			cy, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and the Illinois							
1036			Environmental Protection Agency, Bureau of Land, Division of Land Pollution							
1037			ol, P.O. Box 19276, Springfield, IL 62794, no later than March 1 of each							
1038			ummarizing the types, quantities, frequency, and ultimate destination of all							
1039			azardous waste exported during the previous calendar year. (If the primary							
1040			ter is required to file an annual report for waste exports that are not covered							
1041		under	this Subpart H, the person filing may include all export information in one							
1042			provided the following information on exports of waste destined for							
1043		recove	ery within the designated OECD member countries is contained in a							
1044		separa	te Section). Such reports must include the following information:							
1045		_								
1046		1)	The USEPA identification number, name, and mailing and site address of							
1047			the notifier filing the report;							
1048										
1049		2)	The calendar year covered by the report;							
1050										
1051		3)	The name and site address of each final recovery facility;							
1052										
1053		4)	By final recovery facility, for each hazardous waste exported, a							
1054			description of the hazardous waste, the USEPA hazardous waste number							
1055			(from Subpart C or D of 35 Ill. Adm. Code 721); the designation of waste							
1056			types from the OECD waste list and applicable waste code from the							
1057			OECD lists, as described in the annex to OECD Council Decision							
1058			C(88)90/Final, as amended by C(94)152/Final, incorporated by reference							
1059			in 35 Ill. Adm. Code 720.111(a), USDOT hazard class; the name and							
1060			USEPA identification number (where applicable) for each transporter							
1061			used; the total amount of hazardous waste shipped pursuant to this Subpart							
1062			H; and number of shipments pursuant to each notification;							
1063										
1064		5)	In even numbered years, for each hazardous waste exported, except for							
1065			hazardous waste produced by exporters of greater than 100 kilograms (kg)							
1066			but less than 1,000 kg in a calendar month, and except for hazardous waste							
1067			for which information was already provided pursuant to Section 722.141:							
1068										
1069			A) A description of the efforts undertaken during the year to reduce							

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1070				the volume and toxicity of waste generated; and
1071				,
1072			B)	A description of the changes in volume and toxicity of the waste
1073				actually achieved during the year in comparison to previous years
1074				to the extent such information is available for years prior to 1984;
1075				and
1076				
1077		6)	A certi	ification signed by the person acting as primary exporter that states
1078			as folle	ows:
1079				
1080				ify under penalty of law that I have personally examined and am
1081				ar with the information submitted in this and all attached documents,
1082				at based on my inquiry of those individuals immediately responsible
1083				aining the information, I believe that the submitted information is
1084				ccurate, and complete. I am aware that there are significant penalties
1085				mitting false information including the possibility of fine and
1086 1087			impris	onment."
1087	b)	Erroom	+:	
1088	b)			orts. Any person that meets the definition of primary exporter in
1089				51 must file with USEPA and the Agency an exception report in lieu
1090		or the	requirer	nents of Section 722.142 if any of the following occurs:
1091		1)	The ne	erson has not received a copy of the tracking documentation signed
1092		1)		transporter stating point of departure of the waste from the United
1095			-	within 45 days from the date it was accepted by the initial
1095			transpo	
1096			umspe	5101,
1097		2)	Within	190 days from the date the waste was accepted by the initial
1098		_,		orter, the notifier has not received written confirmation from the
1099				ry facility that the hazardous waste was received; or
1100				, , , , , , , , , , , , , , , , , , ,
1101		3)	The wa	aste is returned to the United States.
1102		·		
1103	c)	Record	lkeeping	g.
1104				
1105		1)	Person	s that meet the definition of primary exporter in Section 722.151
1106			must k	eep the following records:
1107				
1108			A)	A copy of each notification of intent to export and all written
1109				consents obtained from the competent authorities of concerned
1110				countries, for a period of at least three years from the date the
1111				hazardous waste was accepted by the initial transporter;
1112				

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1113 1114 1115		B)	A copy of each annual report, for a period of at least three years from the due date of the report; and
1116 1117		C)	A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery
1118 1119 1120			facility to the notifier, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.
1121 1122 1123 1124	2)	autom	eriods of retention referred to in this Section are extended natically during the course of any unresolved enforcement action ling the regulated activity or as requested by USEPA or the Agency.
1124 1125 1126 1127	(Source: Ame		at 34 Ill. Reg, effective)
1127 1128 1129 1130	DETERMINAT	TION A	ERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE AND ACCUMULATION OF UNWANTED MATERIAL FOR VIES OWNED BY ELIGIBLE ACADEMIC ENTITIES
1131 1132 1133	Section 722.300 Def	<u>inition</u>	<u>s</u>
1134 1135	The following definit	<u>ions ap</u>	ply for the purposes of this Subpart K:
1136 1137 1138 1139 1140 1141	<u>subjec</u> <u>throug</u> <u>Perfor</u> <u>entity</u>	t to Sec h (f), fo mance that cho	mulation area" means an on-site hazardous waste accumulation area etion 722.134(a), for a large quantity generator; Section 722.134(d) or a small quantity generator; or Section 722.134(j) and (k) for a Track member. A central accumulation area at an eligible academic poses to be subject to this Subpart K must also comply with Section accumulating unwanted material or hazardous waste.
1142 1143 1144 1145 1146	acader the U.S	nic inst S. Depa	University" means a private or public post-secondary degree-granting itution that is accredited by an accrediting agency listed annually by artment of Education. TE: The Department of Education maintains on-line lists of
1140 1147 1148 1149	accred	iting ag	gencies on the Internet at the following address: www.ed.gov/ /accred/accreditation_pg6.html#NationallyRecognized.
1150 1151 1152 1153 1154	<u>institut</u> college	te that i e or uni	lemic entity" means a college or university, a non-profit research s owned by or that has a formal written affiliation agreement with a versity, or a teaching hospital that is owned by or that has a formal tion agreement with a college or university.

1155 "Formal written affiliation agreement" for a non-profit research institute means a 1156 written document that establishes a relationship between institutions for the 1157 purposes of research or education and that is signed by an authorized 1158 representative, as that term is defined in 35 Ill. Adm. Code 720.110, from each 1159 institution. A relationship that exists on a project-by-project or grant-by-grant 1160 basis is not considered a formal written affiliation agreement. "Formal written 1161 affiliation agreement" for a teaching hospital means a "master affiliation 1162 agreement" and "program letter of agreement", as these terms are defined in the 1163 document entitled "Accreditation Council for Graduate Medical Education: 1164 Glossary of Terms", incorporated by reference in 35 Ill. Adm. Code 720.111, with 1165 an accredited medical program or medical school. 1166 1167 "Laboratory" means an area owned by an eligible academic entity where 1168 relatively small quantities of chemicals and other substances are used on a non-1169 production basis for teaching or research (or diagnostic purposes at a teaching 1170 hospital) and are stored and used in containers that are easily manipulated by one 1171 person. Photo laboratories, art studios, and field laboratories are laboratories 1172 within the meaning of this definition. Areas such as chemical stockrooms and 1173 preparatory laboratories that provide a support function to teaching or research 1174 laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories 1175 within the meaning of this definition. 1176 1177 "Laboratory clean-out" means an evaluation of the inventory of chemicals and 1178 other materials in a laboratory that are no longer needed or that have expired and 1179 the subsequent removal of those chemicals or other unwanted materials from the 1180 laboratory. A clean-out may occur for several reasons. It may be on a routine 1181 basis (e.g., at the end of a semester or academic year) or as a result of a 1182 renovation, relocation, or change in laboratory supervisor or occupant. A 1183 regularly scheduled removal of unwanted material, as required by Section 1184 722.308, does not qualify as a laboratory clean-out within the meaning of this 1185 definition. 1186 1187 "Laboratory worker" means a person who handles chemicals or unwanted 1188 material in a laboratory. This may include, but is not limited to, any member of 1189 faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a 1190 supervisor or manager, or a principal investigator. A person does not need to be 1191 paid or otherwise compensated for his or her work in the laboratory to be 1192 considered a laboratory worker. An undergraduate or graduate student in a 1193 supervised classroom setting is not a laboratory worker. 1194 1195 "Non-profit research institute" means an organization that conducts research as its 1196 primary function and that files as a nonprofit organization under the federal tax 1197 code (26 USC 501(c)(3)).

1198		
1198		
	"Reactive acutely hazardous unwanted material" means an unwanted material th	<u>at</u>
1200	is one of the acutely hazardous commercial chemical products listed in 35 Ill.	
1201	Adm. Code 721.133(e) for reactivity.	
1202		
1203	"Teaching hospital" means a hospital that trains students to become physicians,	
1204	nurses, or other health or laboratory personnel.	
1205		
1206	"Trained professional" means a person who has completed the applicable RCRA	Ŀ
1207	training requirements of 35 Ill. Adm. Code 725.116, for a large quantity	
1208	generator, or who is knowledgeable about normal operations and emergencies in	<u>l</u>
1209	accordance with Section 722.134(d)(5)(C), for a small quantity generator or	
1210	conditionally exempt small quantity generator. A trained professional may be an	<u>1</u>
1211	employee of the eligible academic entity or a contractor or vendor who meets the	e
1212	requisite training requirements.	_
1213		
1214	"Unwanted material" means any chemical, mixtures of chemicals, products of	
1215	experiments, or other material from a laboratory that is no longer needed, wanted	d.
1216	or usable in the laboratory and that is destined for hazardous waste determination	
1217	by a trained professional. Unwanted material includes reactive acutely hazardou	
1218	unwanted material, material that may eventually be determined not to be solid	<u></u>
1219	waste pursuant to 35 Ill. Adm. Code 721.102, or a hazardous waste pursuant to 3	35
1220	Ill. Adm. Code 721.103. If an eligible academic entity elects to use another	<u> </u>
1221	equally effective term in lieu of "unwanted material", as allowed by Section	
1222	722.306(a)(1)(A), the equally effective term will have the same meaning, and the	p
1223	material designated by that term will be subject to the same requirements as	2
1224	"unwanted material" under this Subpart K.	
1225	anwanted material ander this pubpart ix.	
1226	"Working container" means a small container (i.e., two gallons (7.6 ℓ) or less) th	at
1220	is in use at a laboratory bench, hood, or other work station, to collect unwanted	ai
1228	material from a laboratory experiment or procedure.	
1220	material from a laboratory experiment of procedure.	
1229	(Source: Added at 34 III. Reg., effective)	
1230		
1231	Section 722.301 Applicability	
1232	Section 722.301 Appricability	
1233	a) Large quantity generators and small quantity generators. This Subpart K provide	~~
1234	a) Large quantity generators and small quantity generators. This Subpart K provide alternative requirements to the requirements set forth in Sections 722.111 and	58
1235	722.134(c) for determination of hazardous waste and accumulation of hazardous	
1230		
1237	waste in a laboratory owned by an eligible academic entity that chooses to be	
	subject to this Subpart K, provided that the academic entity fulfills the notification	<u>)n</u>
1239	requirements of Section 722.303.	
1240		

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1241 1242	<u>b)</u>	<u>Conditionally exempt small quantity generators.</u> This Subpart K provides <u>alternative requirements to the conditional exemption set forth in 35 Ill. Adm.</u>
1242		Code 721.105(b) for the accumulation of hazardous waste in a laboratory owned
1244		by an eligible academic entity that chooses to be subject to this Subpart K,
1245		provided that the academic entity fulfills the notification requirements of Section
1245		722.303.
1240		<u>122.505.</u>
1248 1249	(Sou	rce: Added at 34 Ill. Reg, effective)
1250	Section 722	.302 Opting into the Subpart K Requirements
1251		
1252	<u>a)</u>	Large quantity generators and small quantity generators. An eligible academic
1253		entity has the option of complying with this Subpart K with respect to its
1254		laboratories, as an alternative to complying with the requirements set forth in
1255		<u>Sections 722.111 and 722.134(c).</u>
1256	1.)	
1257	<u>b)</u>	Conditionally exempt small quantity generators. An eligible academic entity has
1258		the option of complying with this Subpart K with respect to its laboratories, as an
1259		alternative to complying with the conditional exemption of 35 Ill. Adm. Code
1260		<u>721.105(b).</u>
1261	(0	
1262	(Sou	rce: Added at 34 Ill. Reg, effective)
1263	~	
1264	Section 722.	303 Notice of Election into the Subpart K Requirements
1265		
1266	<u>a)</u>	If an eligible academic entity elects to become subject to the requirements of this
1267		Subpart K, it must notify the Agency of this election in writing using the RCRA
1268		Subtitle C Site Identification Form (USEPA Form 8700-12) for all the
1269		laboratories that the eligible academic entity owns or operates under the same
1270		<u>USEPA identification number. If the eligible academic entity is a conditionally</u>
1271		exempt small quantity generator (CESQG) that does not have a USEPA
1272		identification number, the CESQG must notify the Agency that it has made this
1273		choice for all the laboratories that the eligible academic entity owns or operates
1274		that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic
1275		entity has multiple USEPA identification numbers, or if it is a CESQG with
1276		multiple sites, it must submit a separate notification (using USEPA Form 8700-
1277		12) for each USEPA identification number (or site, for a CESQG) that it elects to
1278		become subject to the requirements of this Subpart K. The eligible academic
1279		entity must submit USEPA Form 8700-12 to the Agency before it begins
1280		operating under this Subpart K.
1281		
1282		BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the
1283		"RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". This is the

1284		<u>title t</u>	hat appears on the face of the form. The title on the pre-pended instructions
1285		<u>for U</u>	SEPA Form 8700-12, however, is "Notification of RCRA Subtitle C
1286		<u>Activ</u>	ity". USEPA Form 8700-12 is available from the Agency, Bureau of Land
1287		<u>(217-</u>	782-6762). It is also available on-line for download in PDF file format:
1288		www	.epa.gov/osw/inforesources/data/form8700/8700-12.pdf. Only the
1289		Nove	mber 2009 version of USEPA Form 8700-12 includes a segment relating to
1290			ternative standards for eligible academic entities.
1291			
1292	<u>b)</u>	When	submitting USEPA Form 8700-12, the eligible academic entity must, at a
1293			num, fill out each of the following fields on the form:
1294			
1295		<u>"1.</u>	Reason for Submittal"
1296			
1297		<u>"2.</u>	Site EPA ID Number" (except for a conditionally exempt small quantity
1298		—	generator)
1299			
1300		"3.	Site Name"
1301			
1302		<u>"4.</u>	Site Location Information"
1303			
1304		<u>"5.</u>	Site Land Type"
1305			<u></u>
1306		<u>"6.</u>	North American Industry Classification System (NAICS) Code or Codes
1307			for the Site"
1308			BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm.
1309			Code 720.110.
1310			
1311		<u>"7.</u>	Site Mailing Address"
1312			
1313		<u>"8.</u>	Site Contact Person"
1314			
1315		<u>"9.</u>	Operator and Legal Owner of the Site"
1316			
1317		<u>"10.</u>	Type of Regulated Waste Activity"
1318			
1319		<u>"13.</u>	Certification"
1320			
1321	<u>c)</u>	An eli	igible academic entity must keep a copy of USEPA Form 8700-12, as filed
1322		with t	he Agency pursuant to subsection (a) of this Section, on file at the eligible
1323			mic entity for as long as its laboratories are subject to this Subpart K.
1324			

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1325	<u>d)</u>	A teaching hospital that is not owned by a college or university must keep a copy
1326	<u>a</u>	of its formal written affiliation agreement with a college or university on file at
1327		the teaching hospital for as long as its laboratories are subject to this Subpart K.
1328		are teaching nospital for as long as its informationes are subject to this Subpart IX.
1329	<u>e)</u>	A non-profit research institute that is not owned by a college or university must
1330	<u>o</u> 7	keep a copy of its formal written affiliation agreement with a college or university
1331		on file at the non-profit research institute for as long as its laboratories are subject
1332		to this Subpart K.
1333		
1334	(Sour	rce: Added at 34 Ill. Reg, effective)
1335	(500	(00. 1 Madda al 34 III. Rog, 011001140)
1336	Section 722.	<u>304 Notice of Withdrawal from the Subpart K Requirements</u>
1337		
1338	<u>a)</u>	If an eligible academic entity elects to no longer remain subject to the
1339		requirements of this Subpart K for all the laboratories that the eligible academic
1340		entity owns or operates under the same USEPA identification number, it elects to
1341		instead comply with the requirements set forth in Sections 722.111 and
1342		722.134(c), which are the generally applicable standards for small quantity
1343		generators and large quantity generators. An eligible academic entity must notify
1344		the Agency in writing of this election using the USEPA Form 8700-12. If the
1345		eligible academic entity is a CESQG that does not have a USEPA identification
1346		number, it must notify the Agency that it has elected to withdraw from the
1347		requirements of this Subpart K for all of the laboratories that it owns or operates
1348		that are on-site. The eligible academic entity that is a CESQG that makes this
1349		election must comply with the conditional exemption in 35 Ill. Adm. Code
1350		721.105(b). If the eligible academic entity has multiple USEPA identification
1351		numbers, or if it is a CESQG with multiple sites, it must submit a separate
1352		notification (using USEPA Form 8700-12) for each USEPA identification number
1353		(or site, for a CESQG) that it elects to withdraw from the requirements of this
1354		Subpart K. The eligible academic entity that chooses to withdraw from the
1355		requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency
1356		before it begins operating under the requirements set forth in Sections 722.111
1357		and 722.134(c), which are the generally applicable standards for small quantity
1358		generators and large quantity generators, or 35 Ill. Adm. Code 721.105(b), which
1359		are the generally applicable standards for conditionally exempt small quantity
1360		generators.
1361		
1362		BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the
1363		"RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". This is the
1364		title that appears on the face of the form. The title on the pre-pended instructions
1365		for USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C
1366		Activity". USEPA Form 8700-12 is available from the Agency, Bureau of Land
1367		(217-782-6762). It is also available on-line for download in PDF file format:

1368 1369 1370		www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf. Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities.				
1371 1372	<u>b)</u>	When	When submitting USEPA Form 8700-12, the eligible academic entity must, at a			
1373		minin	num, fill out each of the following fields on the form:			
1374						
1375		<u>"1.</u>	Reason for Submittal"			
1376						
1377		<u>"2.</u>	Site EPA ID Number" (except for a conditionally exempt small quantity			
1378			generator)			
1379						
1380		<u>"3.</u>	Site Name"			
1381						
1382		<u>"4.</u>	Site Location Information"			
1383						
1384		<u>"5.</u>	Site Land Type"			
1385						
1386		<u>"6.</u>	North American Industry Classification System (NAICS) Code or Codes			
1387			for the Site"			
1388			BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm.			
1389			<u>Code 720.110.</u>			
1390						
1391		<u>"7.</u>	Site Mailing Address"			
1392						
1393		<u>"8.</u>	Site Contact Person"			
1394						
1395		<u>"9.</u>	Operator and Legal Owner of the Site"			
1396						
1397		<u>"10.</u>	Type of Regulated Waste Activity"			
1398						
1399		<u>"13.</u>	Certification"			
1400						
1401	<u>c)</u>		gible academic entity must keep a copy of USEPA Form 8700-12, as filed			
1402		with t	he Agency pursuant to subsection (a) of this Section, on file at the eligible			
1403		acade	nic entity for three years after the date of the notification of withdrawal.			
1404						
1405	(Sourc	e: Add	led at 34 Ill. Reg, effective)			
1406						
1407	Section 722.3	05 Sui	<u>mmary of the Requirements of this Subpart K</u>			
1408						
1409			entity that chooses to become subject to the requirements of this Subpart K			
1410	is not required to have interim status or a RCRA Part B permit for the accumulation of unwanted					

				e in its laboratories, provided the laboratories comply with the		
412 <u>provis</u>	provisions of this Subpart K and the eligible academic entity has a Laboratory Management Plan					
413 <u>(LMP</u>)	<u>) that co</u>	mplies	with Se	ection 722.314 that describes how the laboratories owned by the		
414 <u>eligibl</u>	e acade	mic enti	ity will	comply with the requirements of this Subpart K.		
415			•			
416 417	(Sourc	e: Add	ed at 34	4 Ill. Reg, effective)		
	<u>n 722.3</u>	06 Cor	<u>itainer</u>	Standards in the Laboratory		
	gible ac	ademic	entity r	nust manage containers of unwanted material while in the		
				h the requirements in this Section.		
22						
123 124	<u>a)</u>		ng: The al as fol	e eligible academic entity must label containers of unwanted llows:		
25 26		1)	The fo	llowing information must be affixed or attached to the container:		
.7		<u>~</u> /				
8			<u>A)</u>	The words "unwanted material", or another equally effective term		
)				that is to be used consistently by the eligible academic entity and		
				that is identified in Part I of the Laboratory Management Plan; and		
				and is residential in a det i of the Edeboratory trianagoment i fan, and		
			<u>B)</u>	Sufficient information to alert emergency responders to the		
			<u></u>	contents of the container. Examples of information that would be		
				sufficient to alert emergency responders to the contents of the		
				container include, but are not limited to, the following:		
				container mende, but ale not minted to, the following.		
				i) The name of the chemicals; or		
				ii) The type or class of chemicals, such as organic solvents or		
				halogenated organic solvents.		
				indiogenated organic sorvents.		
		<u>2)</u>	The fo	llowing information may be affixed or attached to the container, but		
		<u>=</u> 1		e associated with the container if not attached to it:		
			<u>inust o</u>	e associated with the container if not attached to it.		
			<u>A)</u>	The date on which the unwanted material first began accumulating		
			$\overline{\mathbf{M}}$	in the container; and		
				in the container, and		
			<u>B)</u>	Information sufficient to allow a trained professional to properly		
			<u>1</u>	identify whether an unwanted material is a solid waste and a		
				hazardous waste and to assign the proper hazardous waste codes to		
				the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly		
2				information that would allow a trained professional to properly		

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1453				-	fy whether an unwanted material is a solid waste and
1454				hazaro	lous waste include, but are not limited to, the following:
1455				~	
1456				<u>i)</u>	The name or description of the chemical contents or the
1457					composition of the unwanted material or, if known, the
1458					product of the chemical reaction;
1459				••	·····
1460				<u>ii)</u>	Whether the unwanted material has been used or is unused;
1461					and
1462					
1463				<u>iii)</u>	A description of the manner in which the chemical was
1464					produced or processed, if applicable.
1465					
1466	<u>b)</u>				ainers in the Laboratory. An eligible academic entity must
1467		prope	<u>rly man</u>	age con	tainers of unwanted material in the laboratory in a way that
1468		assure	es safe s	torage c	of the unwanted material and that prevents leaks, spills,
1469		<u>emiss</u>	<u>ions to t</u>	the air, a	adverse chemical reactions, and dangerous situations that
1470		<u>may r</u>	esult in	harm to	human health or the environment. Proper container
1471		manag	gement :	<u>must inc</u>	clude the following actions:
1472					
1473		<u>1)</u>	<u>Conta</u>	iners m	ust be maintained and kept in good condition, and damaged
1474			contai	ners mu	ist be replaced, overpacked, or repaired;
1475					
1476		<u>2)</u>	Conta	iners m	ust be compatible with their contents, in order to avoid
1477					veen the contents and the container; and they must be made
1478					th, material that is compatible with the unwanted material,
1479					ntainer's integrity is not impaired; and
1480					
1481		<u>3)</u>	Conta	iners m	ust be kept closed at all times, except under the following
1482		<u> </u>		nstances	
1483					-
1484			<u>A)</u>	A cont	tainer may be open when adding, removing, or consolidating
1485					ited material;
1486					
1487			<u>B)</u>	A wor	king container may be open until the end of the procedure.
1488			<u></u>		he end of the work shift, or until it is full, whichever comes
1489					t which time either the working container must be closed or
1490					tents emptied into a separate container that is then closed; or
1491				10 001	tiones ompared into a separate container that is then closed, of
1492			<u>C)</u>	A cont	tainer may be open when venting of a container is necessary
1493			$\overline{\sim}$		her of the following reasons:
1494					
A 12 1					

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	<u>4)</u> <u>Test results.</u>
<u>d)</u>	A trained professional is required for either of the following tasks:
	· · · · · · · · · · · · · · · · · · ·
	1) A trained professional must accompany the transfer of unwanted material
	and hazardous waste when the unwanted material and hazardous waste is
	removed from the laboratory; and
	2) A trained professional must make the hazardous waste determination for
	unwanted material, pursuant to Section 722.111.
(Sourc	ce: Added at 34 Ill. Reg, effective)
Section 722.3	808 Removing Unwanted Material from the Laboratory
<u>a)</u>	Removing containers of unwanted material on a regular schedule. An eligible
	academic entity must do either of the following:
	1) It must remove all containers of unwanted material from each laboratory
	on a regular interval, not to exceed six months; or
	2) It must remove containers of unwanted material from each laboratory
	within six months after each container's accumulation start date.
<u>b)</u>	The eligible academic entity must specify in Part I of its Laboratory Management
	Plan whether it will comply with subsection $(a)(1)$ or $(a)(2)$ of this Section for the
	regular removal of unwanted material from its laboratories.
<u>c)</u>	The eligible academic entity must specify in Part II of its Laboratory Management
	Plan how it will comply with subsection $(a)(1)$ or $(a)(2)$ of this Section and how
	the eligible academic entity will develop a schedule for regular removals of
	unwanted material from its laboratories.
d)	Removing containers of unwanted material when volumes are exceeded.
	1) If a laboratory accumulates a total volume of unwanted material (including
	reactive acutely hazardous unwanted material) in excess of 55 gallons
	(208 ℓ) before the regularly scheduled removal, the eligible academic
	entity must ensure that the following requirements are fulfilled for all
	<u>containers of unwanted material in the laboratory (including reactive</u>
	acutely hazardous unwanted material):
	<u>Section 722.3</u> <u>a)</u> <u>b)</u>

1581 1582 1583 1584 1585		<u>A)</u>	The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 ℓ) was exceeded; and
1585 1586 1587 1588 1589 1590		<u>B)</u>	The containers are removed from the laboratory within 10 calendar days after the date on which 55 gallons (208 ℓ) was exceeded, or on the date of the next regularly scheduled removal, whichever comes first.
1590	2)	If a lat	poratory accumulates more than one quart (0.046 R) of reacting
1591	<u>2)</u>		boratory accumulates more than one quart (0.946 ℓ) of reactive
1592			y hazardous unwanted material before the regularly scheduled al, then the eligible academic entity must ensure that the following
1594			ements are fulfilled for all containers of reactive acutely hazardous
1595			ited material:
1596		<u>un v un</u>	
1597		<u>A)</u>	The containers are marked on the label that is associated with the
1598			container (or on the label that is affixed or attached to the
1 59 9			container, if that is preferred) with the date on which one quart
1600			(0.946 l) was exceeded; and
1601			
1602		<u>B)</u>	The containers are removed from the laboratory within 10 calendar
1603			days after the date on which one quart (0.946 ℓ) was exceeded, or
1604			at the next regularly scheduled removal, whichever comes first.
1605	(2		
1606	(Source: A	Added at 34	Ill. Reg, effective)
1607	G (1 500.000		
1608			s Waste Determination and Removal of Unwanted Material
1609	from the Labora	tory	
1610 1611	<u>a) La</u>	rae avantita	y generators and small quantity generators. An eligible academic
1612			large quantity generator or a small quantity generator must ensure
1612			professional makes a hazardous waste determination, pursuant to
1614			11, for unwanted material in any of the following areas within the
1615		ne given for	
1616			
1617	<u>1)</u>	In the I	laboratory, before the unwanted material is removed from the
1618			tory, in accordance with Section 722.310;
1619			
1620	<u>2)</u>	<u>At an c</u>	on-site central accumulation area, within four calendar days after the
1621		waste a	arrives in the area, in accordance with Section 722.311; or
1622			

1623 1624 1625 1626		3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.
1627 1628 1629 1630 1631	<u>b)</u>	Conditionally exempt small quantity generators. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with Section 722.310.
1632 1633 1634	(Sour	ce: Added at 34 Ill. Reg, effective)
1635 1636	Section 722.3	310 Hazardous Waste Determination in the Laboratory
1630 1637 1638 1639		ible academic entity makes the hazardous waste determination, pursuant to Section inwanted material in the laboratory, it must fulfill the following requirements:
1640 1641 1642	<u>a)</u>	A trained professional must make the hazardous waste determination, pursuant to Section 722.111, before the unwanted material is removed from the laboratory.
1643 1644	<u>b)</u>	If an unwanted material is a hazardous waste, the eligible academic entity must do the following:
1645 1646 1647 1648 1649		1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;
1650 1651 1652 1653 1654		2) It must write the appropriate hazardous waste codes on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and
1655 1656 1657 1658		3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), in the calendar month that the hazardous waste determination was made.
1659 1660 1661 1662 1663	<u>c)</u>	A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.
1664 1665	<u>d)</u>	When hazardous waste is removed from the laboratory, the following requirements apply:

1666 1667 1668 1669 1670 1671 1672 1673 1674 1675 1676 1677 1678		 An eligible academic entity that is a large quantity generator or a small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in 35 Ill. Adm. Code 721.105(f)(3), for acute hazardous waste.
	-)	
1679	<u>e)</u>	An unwanted material that is a hazardous waste is subject to all applicable
1680		hazardous waste regulations after it has been removed from the laboratory.
1681	(0	
1682	(Sour	ce: Added at 34 Ill. Reg, effective)
1683	S	
1684		311 Hazardous Waste Determination at an On-Site Central Accumulation
1685	<u>Area</u>	
1686	3371	
1687		ible academic entity makes the hazardous waste determination, pursuant to Section
1688		unwanted material at an on-site central accumulation area, it must fulfill the
1689	following req	<u>uirements:</u>
1690		
1691	<u>a)</u>	A trained professional must accompany all unwanted material that is transferred
1692		from the laboratory to an on-site central accumulation area.
1693	L)	
1694	<u>b)</u>	All unwanted material removed from the laboratory must be taken directly from
1695		the laboratory to the on-site central accumulation area.
1696	-)	
1697	<u>c)</u>	The unwanted material becomes subject to the generator accumulation regulations
1698		of Section 722.134(a) (or Section 722.134(j) and (k) for a Performance Track
1699		member), for a arge quantity generator, or Section 722.134(d) through (f), for a
1700		small quantity generator, as soon as the material arrives in the central
1701		accumulation area, except for the "hazardous waste" labeling requirements of
1702		Section 722.134(a)(3) (or Section 722.134(j)(6) for a Performance Track
1703		member).
1704	1	
1705	<u>d)</u>	A trained professional must determine, pursuant to Section 722.111, if the
1706		unwanted material is a hazardous waste within four calendar days after the
1707		unwanted material has arrived at the on-site central accumulation area.
1708		

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1709	<u>e)</u>	If the	unwanted material is a hazardous waste, the eligible academic entity must
1710	<u>-</u> 7		the following requirements:
1711			
1712		<u>1)</u>	It must write the words "hazardous waste" on the container label that is
1713			affixed or attached to the container, within four calendar days after the
1714			unwanted material has arrived at the on-site central accumulation area and
1715			before the hazardous waste may be removed from that area;
1716			
1717		<u>2)</u>	It must write the appropriate hazardous waste codes on the container label
1718			that is associated with the container (or on the label that is affixed or
1719			attached to the container, if that is preferred) before the hazardous waste
1720			may be treated or disposed of on-site or transported offsite;
1721			
1722		<u>3)</u>	It must count the hazardous waste toward the amount used to determine
1723			the eligible academic entity's generator status, pursuant to 35 Ill. Adm.
1724			Code 721.105(c) and (d), in the calendar month that the hazardous waste
1725			determination was made; and
1726			
1727		<u>4)</u>	It must manage the hazardous waste according to all applicable hazardous
1728 1729			waste regulations.
1729	(Source		lad at 24 III Dag
1730	(Sourc	e: Auc	led at 34 Ill. Reg, effective)
1732	Section 722 3	12 Ha	<u>zardous Waste Determination at an On-Site Treatment, Storage, or</u>
1732	Disposal Faci		zardous waste Determination at an On-Site Treatment, Storage, or
1734	Disposar rac	<u>intey</u>	
1735	When an eligi	ble aca	demic entity makes the hazardous waste determination, pursuant to Section
1736			ed material at an on-site interim status or permitted treatment, storage, or
1737			ust fulfill the following requirements:
1738			
1739	<u>a)</u>	A train	ned professional must accompany all unwanted material that is transferred
1740		-	he laboratory to an on-site interim status or permitted treatment, storage, or
1741		nomi	
1742			al facility;
1742 1743	<u>b)</u>	<u>dispos</u>	sal facility;
	<u>b)</u>	<u>dispos</u> <u>All un</u>	
1743 1744 1745	<u>b)</u>	dispos All un the lab	wanted material removed from the laboratory must be taken directly from
1743 1744 1745 1746		<u>All un</u> <u>the lab</u> <u>dispos</u>	wanted material removed from the laboratory must be taken directly from poratory to the on-site interim status or permitted treatment, storage, or sal facility;
1743 1744 1745 1746 1747	<u>b)</u> <u>c)</u>	<u>All un</u> <u>the lab</u> <u>dispos</u>	sal facility; wanted material removed from the laboratory must be taken directly from poratory to the on-site interim status or permitted treatment, storage, or sal facility; mwanted material becomes subject to the terms of the eligible academic
1743 1744 1745 1746 1747 1748		dispos All un the lab dispos The un entity'	wanted material removed from the laboratory must be taken directly from poratory to the on-site interim status or permitted treatment, storage, or cal facility; nwanted material becomes subject to the terms of the eligible academic s hazardous waste permit or interim status as soon as it arrives at the on-site
1743 1744 1745 1746 1747		dispos All un the lab dispos The un entity'	sal facility; wanted material removed from the laboratory must be taken directly from poratory to the on-site interim status or permitted treatment, storage, or sal facility; mwanted material becomes subject to the terms of the eligible academic

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1751 1752 1753 1754 1755	<u>d)</u>	A trained professional must determine, pursuant to Section 722.111, if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and			
1756 1757 1758	<u>e)</u>		unwanted material is a hazardous waste, the eligible academic entity must the following requirements:		
1759		<u>1)</u>	It must write the words "hazardous waste" on the container label that is		
1760		11	associated with the container (or on the label that is affixed or attached to		
1761			the container, if that is preferred) within four calendar days after the		
1762			unwanted material has arrived at the on-site interim status or permitted		
1763			treatment, storage, or disposal facility and before the hazardous waste may		
1764			be removed from that facility;		
1765			<u> </u>		
1766		<u>2)</u>	It must write the appropriate hazardous waste codes on the container label		
1767			that is associated with the container (or on the label that is affixed or		
1768			attached to the container, if that is preferred) before the hazardous waste		
1769			may be treated or disposed of on-site or transported off-site;		
1770					
1771		<u>3)</u>	It must count the hazardous waste toward the amount used to determine		
1772			the eligible academic entity's generator status, pursuant to 35 Ill. Adm.		
1773			Code 721.105(c) and (d) in the calendar month that the hazardous waste		
1774			determination was made; and		
1775					
1776		<u>4)</u>	It must manage the hazardous waste according to all applicable hazardous		
1777			waste regulations.		
1778					
1779	(Sourc	e: Ado	led at 34 Ill. Reg, effective)		
1780					
1781	Section 722.3	<u>13 La</u>	boratory Clean-Outs		
1782	- 1	0			
1783	<u>a)</u>		in any 12-month period for each laboratory, an eligible academic entity may		
1784		-	conduct a laboratory clean-out that is subject to all the applicable		
1785		requir	ements of this Subpart K, except that the following limitations apply:		
1786		1)	If the malume of a material is the later of the second sec		
1787 1788		<u>1)</u>	If the volume of unwanted material in the laboratory exceeds 55 gallons $(208 \ \ell)$ (or one quot (0.046 \ \ell) of matrix acutally becaude unwanted		
1789			(208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material) the eligible nondemin antity is not required to remove all		
1789			<u>material</u>), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after		
1790			exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely		
1792			hazardous unwanted material), as required by Section 722.308. Instead,		
1793			the eligible academic entity must remove all unwanted materials from the		
			the englisher devidence on the mass remove an unwanted materials non the		

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laboratory within 30 calendar days after the start of the laboratory cleanout;

<u>2)</u> For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or that exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and that is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), if it is determined to be hazardous waste;

<u>3)</u> For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator status under subsection (a)(2) of this Section, and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of hazardous waste (i.e., the conditionally exempt small quantity generator limits of 35 Ill. Adm. Code 721.105), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site; and

<u>4)</u> An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain these records for a period of three years from the date on which the clean-out ended.

b) For all other laboratory clean-outs conducted during the same 12-month period. an eligible academic entity is subject to all the applicable requirements of this Subpart K, including, but not limited to the following:

The requirement to remove all unwanted materials from the laboratory <u>1)</u> within 10 calendar days after exceeding 55 gallons (208 ℓ) (or one quart (0.946ℓ) of reactive acutely hazardous unwanted material), as required by Section 722.308; and

<u>2)</u> The requirement to count all hazardous waste, including unused hazardous waste, that is generated during the laboratory clean-out toward its

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1836		hazardous waste generator status, pursuant to 35 Ill. Adm. Code							
1837		721.105(c) and (d).							
1838									
1839	(Sour	ce: Added at 34 Ill. Reg, effective)							
1840									
1841	Section 722.3	314 Laboratory Management Plan							
1842									
1843	An eligible ac	cademic entity must develop and retain a written Laboratory Management Plan, or							
1844		ting written plan. The Laboratory Management Plan is a site-specific document							
1845	that describes	how the eligible academic entity will manage unwanted materials in compliance							
1846		part K. An eligible academic entity may write one Laboratory Management Plan							
1847	for all of the l	aboratories that it owns that have opted into this Subpart K, even if the laboratories							
1848	are located at	sites with different USEPA identification numbers. The Laboratory Management							
1849	Plan must cor	ntain two parts, with a total of the nine elements identified in subsections (a) and (b)							
1850	of this Section	n. In Part I of its Laboratory Management Plan, an eligible academic entity must							
1851	describe its pr	cocedures for each of the elements listed in subsection (a) of this Section. An							
1852	eligible acade	mic entity must implement and comply with the specific provisions that it develops							
1853	to address the	elements in Part I of its Laboratory Management Plan. In Part II of its Laboratory							
1854		Plan, an eligible academic entity must describe its best management practices for							
1855		ements listed in subsection (b) of this Section. The specific actions taken by an							
1856		mic entity to implement each element in Part II of its Laboratory Management Plan							
1857	may vary from the procedures described in the eligible academic entity's Laboratory								
1858	Management Plan, without constituting a violation of this Subpart K. An eligible academic								
1859	entity may include additional elements and best management practices in Part II of its Laboratory								
1860	Management]	Plan if it so chooses.							
1861									
1862	<u>a)</u>	The eligible academic entity must implement and comply with the specific							
1863		provisions of Part I of its Laboratory Management Plan. In Part I of its							
1864		Laboratory Management Plan, an eligible academic entity must include the							
1865		following information:							
1866									
1867		1) Part I must describe procedures for container labeling in accordance with							
1868		Section 722.306(a) that includes the following:							
1869									
1870		A) Identification whether the eligible academic entity will use the							
1871		term "unwanted material" on the containers in the laboratory. If							
1872		not, identification of an equally effective term that the eligible							
1873		academic entity will consistently use in lieu of "unwanted							
1874		material". The equally effective term, if used, has the same							
1875		meaning as the term "unwanted material", and the material is							
1876		subject to the same requirements as if it were called "unwanted							
1877		material"; and							
1878									

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1879 1880			<u>B)</u>		fication of the manner in which information that is ciated with the container" will be imparted.
1881				<u>assu</u>	clated with the container will be imparted.
1882		<u>2)</u>	Identi	fication	whether the eligible academic entity will comply with
1883		<u>21</u>			808(a)(1) or (a)(2) for regularly scheduled removals of
1884					terial from the laboratory.
1885			unva		terrar from the laboratory.
1886	<u>b)</u>	In Par	t II of i	ts Laho	ratory Management Plan, an eligible academic entity must
1887	<u>9</u> 1				g information:
1888		<u></u>		/110 // 1113	<u>5 montation.</u>
1889		<u>1)</u>	Descr	intion c	f its intended best practices for container labeling and
1890		<u>*1</u>		-	including how the eligible academic entity will manage
1891				-	ed for in-line collection of unwanted materials, such as with
1892					ance liquid chromatographs and other laboratory equipment
1893					red standards at Section 722.306);
1894			<u>(500 ti</u>	<u>le requi</u>	red standards at Section 722.500),
1895		<u>2)</u>	Descr	intion o	f its intended best practices for providing training for
1896		<u></u>			orkers and students commensurate with their duties (see the
1897				-	dards at Section 722.307(a));
1898			Ioquii	ou stuit	$\frac{durus ut bootion 722.507(u))}{2}$
1899		<u>3)</u>	Descr	intion o	f its intended best practices for providing training to ensure
1900		21			ansfers of unwanted material and hazardous waste by trained
1901					(see the required standards at Section 722.307(d)(1));
1902			<u>protes</u>	01011010	(See the required standards at Section 722.507($U(1)$),
1903		<u>4)</u>	Descr	intion o	f its intended best practices for removing unwanted material
1904		<i>k</i>		-	ratory, including the following:
1905			<u></u>		ruory, morualing uno ronownig.
1906			<u>A)</u>	For re	gularly scheduled removals, a regular schedule for
1907			<u></u> /		fying and removing unwanted materials from its laboratories
1908					the required standards at Section 722.308(a)(1) and (a)(2));
1909				1000	$\frac{1}{2} \frac{1}{2} \frac{1}$
1910			<u>B)</u>	For re	movals when maximum volumes are exceeded, the
1911			£	follow	
1912					
1913				<u>i)</u>	Description of the eligible academic entity's intended best
1914				<u>-</u> *	practices for removing unwanted materials from the
1915					laboratory within 10 calendar days after the date on which
1916					unwanted materials have exceeded their maximum volumes
1917					(see the required standards at Section 722.308(d)); and
1918					
1919				<u>ii)</u>	Description of its intended best practices for
1920					communicating that unwanted materials have exceeded
1921					their maximum volumes;

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1922				
1923		<u>5)</u>	Descr	iption of its intended best practices for making hazardous waste
1924			<u>detern</u>	ninations, including specifying the duties of the individuals involved
1925			in the	process (see the required standards at Sections 722.111 and 722.309
1926			throug	<u>zh 722.312);</u>
1927				
1928		<u>6)</u>	Descri	ibe its intended best practices for laboratory clean-outs, if the
1929				le academic entity plans to use the incentives for laboratory clean-
1930				rovided in Section 722.313, including the following:
1931				
1932			<u>A)</u>	Procedures for conducting laboratory clean-outs (see the required
1933			<u> </u>	standards at Section 722.313(a)(1) through (3)); and
1934				
1935			<u>B)</u>	Procedures for documenting laboratory clean-outs (see the required
1936				standards at Section 722.313(a)(4));
1937				
1938		<u>7)</u>	Descri	iption of the eligible academic entity's intended best practices for
1939		<u> </u>		ency prevention, including the following information:
1940			Q	
1941			<u>A)</u>	Procedures for emergency prevention, notification, and response
1942				that are appropriate to the hazards in the laboratory;
1943				
1944			<u>B)</u>	A list of chemicals that the eligible academic entity has, or is likely
1945				to have, that become more dangerous when they exceed their
1946				expiration date or as they degrade;
1947				
1948			<u>C)</u>	Procedures to safely dispose of chemicals that become more
1949			<u>_</u>	dangerous when they exceed their expiration date or as they
1950				degrade; and
1951				
1952			D)	Procedures for the timely characterization of unknown chemicals.
1953				
1954	<u>c)</u>	An eli	gible ac	ademic entity must make its Laboratory Management Plan available
1955				workers, students, or any others at the eligible academic entity who
1956			quest it	
1957			•	-
1958	<u>d)</u>	An elis	gible ac	ademic entity must review and revise its Laboratory Management
1959			s needed	
1960				—
1961	(Sourc	e: Add	ed at 34	Ill. Reg, effective)
1962	``			
1963	Section 722.3	<u>15</u> Unv	vanted	Material That Is Not Solid Waste or Hazardous Waste
1964				

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1965 1966 1967 1968 1969	<u>a)</u>	If an unwanted material does not meet the definition of solid waste in 35 Ill. Adm. Code 721.102, it is no longer subject to the requirements of this Subpart K or to the RCRA hazardous waste regulations of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728.
1909 1970 1971 1972 1973 1974	<u>b)</u>	If an unwanted material does not meet the definition of hazardous waste in 35 Ill. Adm. Code 721.103, it is no longer subject to this Subpart K or to the RCRA hazardous waste regulations, but must be managed in compliance with any other applicable regulations or conditions.
1975 1976	(Sourc	ce: Added at 34 Ill. Reg, effective)
1977	Section 722.3	16 Non-Laboratory Hazardous Waste Generated at an Eligible Academic
1978	Entity	
1979		
1980	An eligible ac	ademic entity that generates hazardous waste outside of a laboratory is not eligible
1981		thazardous waste under this Subpart K, and either of the following is true of the
1982	waste:	while a doub waste and of this Subpart It, and of the of the following is the of the
1983	<u></u>	
1984 1985	<u>a)</u>	That hazardous waste remains subject to the generator requirements of Sections 722.111 and 722.134(c) for a large quantity generator or a small quantity
1986		generator (if the hazardous waste is managed in a satellite accumulation area), and
1987		all other applicable generator requirements of 40 CFR 722; or
1988		
1989	<u>b)</u>	That hazardous waste remains subject to the conditional exemption of 35 Ill.
1990		Adm. Code 721.105(b) for a conditionally exempt small quantity generator.
1991		
1992	(Sourc	e: Added at 34 Ill. Reg, effective)

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TITLE 35: ENVIRONMENTAL PROTECTION SUBTITLE G: WASTE DISPOSAL CHAPTER I: POLLUTION CONTROL BOARD SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS PART 722 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE SUBPART A: GENERAL Section Purpose, Scope, and Applicability
Purpose, Scope, and Applicability
Hazardous Waste Determination
USEPA Identification Numbers
Electronic Reporting SUBPART B: THE MANIFEST Section General Requirements Manifest Tracking Numbers, Manifest Printing, and Obtaining 722.120 722.121 Manifests 722.122 Number of Copies722.123 Use of the Manifest722.127 Waste Minimization Certification SUBPART C: PRE-TRANSPORT REQUIREMENTS Section 722.130 Packaging 722.131 Labeling 722.132 Marking Placarding Accumulation Time 722.133 722.134 SUBPART D: RECORDKEEPING AND REPORTING Section 722.140 Recordkeeping
722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements 722.144 Special Requirements for Generators of between 100 and 1,000 kilograms per month SUBPART E: EXPORTS OF HAZARDOUS WASTE Section 722.150 Applicability
722.151 Definitions
722.152 General Requirements
722.153 Notification of Intent to Export
722.154 Special Manifest Requirements
722.155 Exception Report
722.156 Annual Reports
722.157 Recordkeeping 722.150 Applicability

722.158 International Agreements SUBPART F: IMPORTS OF HAZARDOUS WASTE Section 722.160 Imports of Hazardous Waste SUBPART G: FARMERS Section 722.170 Farmers SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD Section 722.180Applicability722.181Definitions722.182General Conditions 722.183 Notification and Consent722.184 Tracking Document 722.185 Contracts 722.186 Provisions Relating to Recognized Traders
722.187 Reporting and Recordkeeping
722.189 OECD Waste Lists SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES Section Definitions 722.300 722.301 Applicability 722.301 Applicability 722.302 Opting into the Subpart K Requirements 722.303 Notice of Election into the Subpart K Requirements 722.304 Notice of Withdrawal from the Subpart K Requirements 722.305 Summary of the Requirements of this Subpart K 722.306 Container Standards in the Laboratory 722.307 Personnel Training Removing Unwanted Material from the Laboratory Hazardous Waste Determination and Removal of Unwanted Material from 722.308 722.309 the Laboratory 722.310 Hazardous Waste Determination in the Laboratory 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility 722.313 Laboratory Clean-Outs 722.314 Laboratory Management Plan 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

722. Appendix APPENDIX A Hazardous Waste Manifest

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 R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. —, effective ————

SUBPART A: GENERAL

Section 722.110 Purpose, Scope, and Applicability

a) This Part establishes standards for generators of hazardous waste.

b) A generator must use 35 Ill. Adm. Code 721.105(c) and (d) to determine the applicability of provisions of this Part that are dependent on calculations of the quantity of hazardous waste generated per month.

c) A generator that treats, stores, or disposes of a hazardous waste on-site must comply only with the following Sections of this Part with respect to that waste: Section 722.111, for determining whether or not the generator has a hazardous waste; Section 722.112, for obtaining an USEPA identification number; Section 722.140(c) and (d), for recordkeeping; Section 722.143, for additional reporting; and Section 722.170, for farmers, if applicable.

d) Any person that exports or imports hazardous waste that is subject to the hazardous waste manifesting requirements of this Part or the universal waste management standards of 35 Ill. Adm. Code 733, to or from countries listed in Section 722.158(a)(1) for recovery, must comply with Subpart H of this Part.

e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.

f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other

standards in this Part or 35 Ill. Adm. Code 702, 703, 724 through 728, 733, or 739 with respect to such pesticides.

g) A person that generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if that person does not comply with this Part.

h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.

i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.

<u>i)</u> This subsection corresponds with 40 CFR 262.10(j). a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.

<u>k)</u> <u>This subsection corresponds with 40 CFR 262.10(k), a provision that</u> <u>relates only to facilities in the Commonwealth of Massachusetts. This statement</u> <u>maintains structural consistency with USEPA rules.</u>

1) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K of this Part are not subject to the requirements set forth in subsections (1)(1) and (1)(2) of this Section, except as specifically otherwise provided in Subpart K of this Part. For purposes of this subsection (1), the terms "laboratory" and "eligible academic entity" shall have the meanings given them in Section 722.300.

1) The requirements of Section 722.111, for a large quantity generator, or <u>Section 722.134(c)</u>, for a small quantity generator; and

2) The conditions of 35 Ill. Adm. Code 721.105(b), for a conditionally exempt small quantity generator.

BOARD NOTE: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to an owner or operator that is shipping hazardous waste which it generated at that facility. A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

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

Section 722.112 USEPA Identification Numbers

a) A generator must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number from USEPA.

 b) A generator that has not received a USEPA identification number may obtain one by applying to the Administrator USEPA Region 5 using USEPA form Form 8700-12. The generator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to any notification directly to USEPA. Upon receiving the request USEPA will assign a USEPA identification number to the generator.

c) A generator must not offer its hazardous waste to transporters or to treatment, storage or disposal facilities that have not received a USEPA identification number.

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

SUBPART B: THE MANIFEST

Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

a) USEPA approval of manifest.

1) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of Solid Waste Resource Conservation and Recovery to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section.

2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

b) A registrant must submit an initial application to the USEPA Director of the Office of Solid Waste Resource Conservation and Recovery that contains the following information:

1) The name and mailing address of registrant;

2) The name, telephone number, and email address of contact person;

3) A brief description of registrant's government or business activity;

4) The USEPA identification number of the registrant, if applicable;

5) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:

A) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;

A description of how the registrant will ensure that its organization and B) unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and

C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);

6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;

7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and

8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Solid Waste Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

c) USEPA will review the application submitted under subsection (b) of this Section and either approve it or request additional information or modification before approving it.

d) Submission of document samples.

1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) of this Section. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section. 2) The registrant must submit a description of the manifest samples as follows:

A) The paper type (i.e., manufacturer and grade of the manifest paper);

B) The paper weight of each copy;

C) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and

D) The method of binding the copies.

3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.

e) USEPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until USEPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (e) of this Section and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

f) Paper manifests and continuation sheets must be printed according to the following specifications:

1) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.

2) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

3) The manifest and continuation sheet must be printed on $81/2 \xrightarrow{} x$ 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.

4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.

5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

A) Page 1 (top copy): "Designated facility to destination State (if required)."

B) Page 2: "Designated facility to generator State (if required)."

C) Page 3: "Designated facility to generator."

D) Page 4: "Designated facility's copy."

E) Page 5: "Transporter's copy."

F) Page 6 (bottom copy): "Generator's initial copy."

7) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

A) Manifest Form 8700-22.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy
4.

B) Manifest Form 8700-22A.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy
4.

g) Use of approved manifests.

1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section. A registered source may be any of the following:

A) A state agency;

B) A commercial printer;

C) A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or

D) A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

h) Manifest revisions.

1) If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of Solid Waste-Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The USEPA will either approve or deny the revision. If USEPA denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.

2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the USEPA Director of the Office of Solid Waste-Resource Conservation and Recovery, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 262.21(e), as described in this subsection (e) of this Section, then the registrant must submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.

i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by USEPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. USEPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until USEPA approves them.

j) USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) of this Section, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples approved for some other registrant). A registrant may request an exemption from USEPA by indicating why an exemption is warranted.

k) An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

1) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.

m) Effects of non-compliance.

1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:

A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

2) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

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

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

1) The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:

A) In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;

B) In tanks, and the generator complies with Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300;

C) On drip pads, and the generator complies with Subpart W of 35 Ill. Adm. Code 725 and maintains the following records at the facility: i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or

D) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator must maintain the following records at the facility:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respect to the 90 day limit, and documentation that the procedures are complied with; or

ii) Documentation that the unit is emptied at least once every 90 days;

BOARD NOTE: The Board placed the "in addition" hanging subsection that appears in the federal rules after 40 CFR 262.34(a)(1)(iv)(B) in the introduction to subsection (a) of this Section.

2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and

4) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725 and with 35 Ill. Adm. Code 725.116 and 728.107(a)(5).

b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).

c) Accumulation near the point of generation.

1) A generator may accumulate as much as 55 gallons (208 l) of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following: A) The generator complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and

B) The generator marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

1) The quantity of waste accumulated on-site never exceeds 6,000 kilograms;

2) The generator complies with the requirements of Subpart I of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278);

3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;

4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, Subpart C of 35 Ill. Adm. Code 725, and 35 Ill. Adm. Code 728.107(a)(5); and

5) The generator complies with the following requirements:

A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.

B) The generator must post the following information next to the telephone:

i) The name and telephone number of the emergency coordinator;

ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and

iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

D) The emergency coordinator or designee must respond to any emergencies that arise. The following are applicable responses:

i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and

iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802).

E) A report to the National Response Center pursuant to subsection (d)(5)(D)(iii) of this Section must include the following information:

i) The name, address, and USEPA identification number (Section 722.112 of this Part) of the generator;

ii) The date, time, and type of incident (e.g., spill or fire);

iii) The quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and

iv) The estimated quantity and disposition of recoverable materials, if any.

BOARD NOTE: The Board has codified 40 CFR 262.34(d)(5)(iv)(C)(1) through (d)(5)(iv)(C)(5) as subsections (d)(5)(E)(i) through (d)(5)(E)(iv) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.

e) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

f) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)].

g) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:

1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling;

2) The F006 waste is legitimately recycled through metals recovery;

3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and

4) The F006 waste is managed in accordance with the following conditions:

A) The F006 waste is placed in one of the following containing devices:

i) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;

ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300; or

iii) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the records listed in subsection (g)(4)(F) of this Section at the facility;

B) In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;

C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

D) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste";-and

E) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a) (5)-<u>: and</u>

F) Required records for a containment building:

i) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or

ii) Documentation that the unit is emptied at least once every 180 days.

BOARD NOTE: The Board has codified 40 CFR 262.34(g)(4)(i)(C)(1) and (g)(4)(i)(C)(2) as subsections (g)(4)(F)(i) and (g)(4)(F)(ii) because Illinois

Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.

h) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month, which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and which must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of subsections (g)(1) through (g)(4) of this Section.

i) A generator accumulating F006 in accordance with subsections (g) and (h) of this Section that accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or which accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit.

1) On a case-by-case basis, the Agency must grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] if it finds that the F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.

2) On a case-by-case basis, the Agency must grant a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] that allows an exception to the 20,000 kilogram accumulation limit if the Agency finds that more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

3) A generator must follow the procedure of 35 Ill. Adm. Code 180 (Agency procedural rules) when seeking a provisional variance under subsection (i)(1) or (i)(2) of this Section.

j) A member of the federal National Environmental Performance Track program that generates 1,000 kg or greater of hazardous waste per month (or one kilogram or more of acute hazardous waste) may accumulate hazardous waste on-site without a permit or interim status for an extended period of time, provided that the following conditions are fulfilled:

1) The generator accumulates the hazardous waste for no more than 180 days, or for no more than 270 days if the generator must transport the waste (or offer the waste for transport) more than 200 miles from the generating facility;

2) The generator first notifies USEPA Region 5 and the Agency in writing of its intent to begin accumulation of hazardous waste for extended time periods under the provisions of this Section. Such advance notice must include the following information:

A) The name and USEPA ID-identification number of the facility and specification of when the facility will begin accumulation of hazardous wastes for extended periods of time in accordance with this Section;

B) A description of the types of hazardous wastes that will be accumulated for extended periods of time and the units that will be used for such extended accumulation;

C) A statement that the facility has made all changes to its operations; procedures, including emergency preparedness procedures; and equipment, including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and

D) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility;

3) The waste is managed in the following types of units:

A) Containers, in accordance with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725 and 35 Ill. Adm. Code 724.275;

B) Tanks, in accordance with the requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except for Sections 725.297(c) and Section 725.300;

C) Drip pads, in accordance with Subpart W of 35 Ill. Adm. Code 725; or

D) Containment buildings, in accordance with Subpart DD of 35 Ill. Adm. Code 725;

4) The quantity of hazardous waste that is accumulated for extended time periods at the facility does not exceed 30,000 kg;

5) The generator maintains the following records at the facility for each unit used for extended accumulation times:

A) A written description of procedures to ensure that each waste volume remains in the unit for no more than 180 days (or 270 days, as applicable), a description of the waste generation and management practices at the facility showing that they are consistent with the extended accumulation time limit, and documentation that the procedures are complied with; or

B) Documentation that the unit is emptied at least once every 180 days (or 270 days, if applicable);

6) Each container or tank that is used for extended accumulation time periods is labeled or marked clearly with the words "Hazardous Waste," and for each container the date upon which each period of accumulation begins is clearly marked and visible for inspection;

7) The generator complies with the requirements for owners and operators in Subparts C and D of 35 Ill. Adm. Code 725, 35 Ill. Adm. Code 725.116, and 35 Ill. Adm. Code 728.107(a)(5). In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;

8) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants released to the environment prior to its recycling, treatment, or disposal; and

9) The generator includes the following information with its federal National Environmental Performance Track Annual Performance Report, which must be submitted to the USEPA Region 5 and the Agency:

A) Information on the total quantity of each hazardous waste generated at the facility that has been managed in the previous year according to extended accumulation time periods;

B) Information for the previous year on the number of off-site shipments of hazardous wastes generated at the facility, the types and locations of destination facilities, how the wastes were managed at the destination facilities (e.g., recycling, treatment, storage, or disposal), and what changes in on-site or off-site waste management practices have occurred as a result of extended accumulation times or other pollution prevention provisions of this Section;

C) Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and

D) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility.

BOARD NOTE: The National Environmental Performance Track program is operated exclusively by USEPA. USEPA established the program in 2000 (see 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg. 27922 (May 17, 2004)). USEPA confers membership in the program on application of interested and eligible entities. Information about the program is available from a website maintained by USEPA: www.epa.gov/ performancetrack.

k) If the Agency finds that hazardous wastes must remain on-site at a federal National Environmental Performance Track member facility for longer than the 180 days (or 270 days, if applicable) allowed under subsection (j) of this Section due to unforeseen, temporary, and uncontrollable circumstances, it must grant an extension to the extended accumulation time period of up to 30 days on a caseby-case basis by a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)].

1) If a generator that is a member of the federal National Environmental Performance Track program withdraws from the National Environmental Performance Track program or if USEPA Region 5 terminates a generator's membership, the generator must return to compliance with all otherwise applicable hazardous waste regulations as soon as possible, but no later than six months after the date of withdrawal or termination.

m) A generator that sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and which later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill.

Adm. Code 724.172 or 725.172 may accumulate the returned waste on-site in accordance with subsections (a) and (b) or (d), (e), and (f) of this Section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must sign the appropriate of the following:

1) Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section 722.187 Reporting and Recordkeeping

Annual reports. For all waste movements subject to this Subpart H, a) persons (e.g., notifiers, recognized traders, etc.) that meet the definition of primary exporter in Section 722.151 must file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activites Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subpart H, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section). Such reports must include the following information:

1) The USEPA identification number, name, and mailing and site address of the notifier filing the report;

2) The calendar year covered by the report;

3) The name and site address of each final recovery facility;

4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721); the designation of waste types from the OECD waste list and applicable waste code from the OECD lists, as described in the annex to OECD Council Decision C(88)90/Final, as amended by C(94)152/Final, incorporated by reference in 35 Ill. Adm. Code 720.111(a), USDOT hazard class; the name and USEPA identification number (where applicable) for each transporter used; the total amount of hazardous waste shipped pursuant to this Subpart H; and number of shipments pursuant to each notification;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:

A) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

6) A certification signed by the person acting as primary exporter that states as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

b) Exception reports. Any person that meets the definition of primary exporter in Section 722.151 must file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 if any of the following occurs:

1) The person has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;

2) Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or

3) The waste is returned to the United States.

c) Recordkeeping.

1) Persons that meet the definition of primary exporter in Section 722.151 must keep the following records:

A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

B) A copy of each annual report, for a period of at least three years from the due date of the report; and

C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency. (Source: Amended at 34 Ill. Reg. ____ effective _____)

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

Section 722.300 Definitions

The following definitions apply for the purposes of this Subpart K:

"Central accumulation area" means an on-site hazardous waste accumulation area subject to Section 722.134(a), for a large quantity generator; Section 722.134(d) through (f), for a small quantity generator; or Section 722.134(j) and (k) for a Performance Track member. A central accumulation area at an eligible academic entity that chooses to be subject to this Subpart K must also comply with Section 722.311 when accumulating unwanted material or hazardous waste.

"College or University" means a private or public post-secondary degree-granting academic institution that is accredited by an accrediting agency listed annually by the U.S. Department of Education. BOARD NOTE: The Department of Education maintains on-line lists of accrediting agencies on the Internet at the following address: www.ed.gov/?

admins/?finaid/?accred/?accreditation_pg6.html#NationallyRecognized.

"Eligible academic entity" means a college or university, a non-profit research institute that is owned by or whichthat has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or whichthat has a formal written affiliation agreement with a college or university.

"Formal written affiliation agreement" for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research or education and which that is signed by an authorized representative, as that term is defined in Section 35 Ill. Adm. Code 720.110, from each institution. A relationship that exists on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. "Formal written affiliation agreement" for a teaching hospital means a "master affiliation agreement" and "program letter of agreement." as these terms are defined in the document entitled, "Accreditation Council for Graduate Medical Education: Glossary of Terms," incorporated by reference in 35 Ill. Adm. Code 720.111, with an accredited medical program or medical school.

"Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are laboratories within the meaning of this definition. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories within the meaning of this definition.

"Laboratory clean-out" means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or whichthat have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A <u>cleanoutclean-out</u> may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor or occupant. A regularly scheduled removal of unwanted material, as required by Section 722.308, does not qualify as a laboratory clean-out within the meaning of this definition.

"Laboratory worker" means a person who handles chemicals or unwanted material in a laboratory. This may include, but is not limited to, any member of faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a supervisor or manager, or a principal investigator. A person does not need to be paid or otherwise compensated for his or her work in the laboratory to be considered a laboratory worker. An undergraduate or graduate student in a supervised classroom setting is not a laboratory worker.

"Non-profit research institute" means an organization that conducts research as its primary function and whichthat files as a nonprofit organization under the <u>federal</u> tax code <u>of (</u>26 USC 501(c) (3)).

"Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in 35 Ill. Adm. Code 721.133(e) for reactivity.

"Teaching hospital" means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

"Trained professional" means a person who has completed the applicable RCRA training requirements of 35 Ill. Adm. Code 725.116, for a large quantity generator, or who is knowledgeable about normal operations and emergencies in accordance with Section 722.134(d)(5)(C), for a small quantity generator or conditionally exempt small quantity generator. A trained professional may be an employee of the eligible academic entity or a contractor or vendor who meets the requisite training requirements.

"Unwanted material" means any chemical, mixtures of chemicals, products of experiments, or other material from a laboratory that is no longer needed, wanted, or usable in the laboratory and whichthat is destined for hazardous waste determination by a trained professional. Unwanted material includes reactive acutely hazardous unwanted material, material that may eventually be determined not to be solid waste pursuant to 35 Ill. Adm. Code 721.102, or a hazardous waste pursuant to 35 Ill. Adm. Code 721.103. If an eligible academic entity elects to use another equally effective term in lieu of "unwanted material," as allowed by Section 722.306(a)(1)(A), the equally effective term will have the same meaning, and the material designated by that term will be subject to the same requirements as "unwanted material" under this Subpart K.

"Working container" means a small container (i.e., two gallons (7.6 l) or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

(Source: Added at 34 Ill. Reg. ______ effective ______)

Section 722.301 Applicability

a) Large quantity generators and small quantity generators. This Subpart K provides alternative requirements to the requirements set forth in Sections 722.111 and 722.134(c) for determination of hazardous waste and accumulation of hazardous waste in a laboratory owned by an eligible academic entity that

chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

b) Conditionally exempt small quantity generators. This Subpart K provides alternative requirements to the conditional exemption set forth in 35 Ill. Adm. Code 721.105(b) for the accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.302 Opting into the Subpart K Requirements

a) Large quantity generators and small quantity generators. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the requirements set forth in <u>SectionSections</u> 722.111 and 722.134(c).

b) Conditionally exempt small quantity generators. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the conditional exemption of 35 Ill. Adm. Code 721.105(b).

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.303 Notice of Election into the Subpart K Requirements

If an eligible academic entity elects to become subject to the a) requirements of this Subpart K, it must notify the Agency of this election in writing using the RCRA Subtitle C Site Identification Form (USEPA Form 8700-12) for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number. If the eligible academic entity is a conditionally exempt small quantity generator (CESQG) that does not have a USEPA identification number, the CESQG must notify the Agency that it has made this choice for all the laboratories that the eligible academic entity owns or operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has multiple USEPA identification numbers, or if it is a CESQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a CESQG) that it elects to become subject to the requirements of this Subpart K. The eligible academic entity must submit USEPA Form 8700-12 to the Agency before it begins operating under this Subpart K.

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)-"_ This is the title that appears on the face of the form. The title on the pre-pended instructions for USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity-"_ USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/osw/?inforesources/?data/form8700/?8700-12.pdf. Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities.

b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

"1. Reason for Submittal"

"2. Site EPA ID Number" (except for a conditionally exempt small quantity generator)

"3. Site Name"

"4. Site Location Information"

"5. Site Land Type"

"6. North American Industry Classification System (NAICS) Code(s)<u>or</u> Codes for the Site" BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

- "7. Site Mailing Address"
- "8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (\underline{ba}) of this Section, on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.

d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.

e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and 722.134(c), which are the generally applicable standards for small quantity generators and large quantity generators. An eligible academic entity must notify the Agency in writing of this election using the USEPA Form 8700-12. If the eligible academic entity is a CESQG that does not have a USEPA identification number, it must notify the Agency that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that are on-site. The eligible academic entity that is a CESQG that Conditional exemption in 35 Ill. Adm. Code 721.105(b). If the eligible academic entity has multiple USEPA

identification numbers, or if it is a CESQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a CESQG) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency before it begins operating under the requirements set forth in Sections 722.111 and 722.134(c), which are the generally applicable standards for small quantity generators and large quantity generators, or 35 Ill. Adm. Code 721.105(b), which are the generally applicable standards for conditionally exempt small quantity generators.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)-"_ This is the title that appears on the face of the form. The title on the pre-pended instructions for USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity-"_ USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/osw/?inforesources/?data/form8700/?8700-12.pdf. Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities.

b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

"1. Reason for Submittal"

"2. Site EPA ID Number" (except for a conditionally exempt small quantity generator)

"3. Site Name"

"4. Site Location Information"

"5. Site Land Type"

"6. North American Industry Classification System (NAICS) Code(s)<u>or</u> Codes for the Site" BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

"7. Site Mailing Address"

"8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (\underline{ba}) of this Section, on file at the eligible academic entity for three years after the date of the notification of withdrawal.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 722.305 Summary of the Requirements of this Subpart K

An eligible academic entity that chooses to become subject to the requirements of this Subpart K is not required to have interim status or a RCRA Part B permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this Subpart K_{τ} and the eligible academic entity has a Laboratory Management Plan (LMP) that complies with Section 722.314 which<u>that</u> describes how the laboratories owned by the eligible academic entity will comply with the requirements of this Subpart K.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.306 Container Standards in the Laboratory

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this Section.

a) Labeling: The eligible academic entity must label containers of unwanted material as follows:

1) The following information must be affixed or attached to the container:

A) The words "unwanted material," or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and

B) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to, the following:

i) The name of the chemicals; or

ii) The type or class of chemicals, such as organic solvents or halogenated organic solvents.

2) The following information may be affixed or attached to the container, but must be associated with the container if not attached to it:

A) The date on which the unwanted material first began accumulating in the container; and

B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a hazardous waste and to assign the proper hazardous waste codes to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:

i) The name or description of the chemical contents or the composition of the unwanted material, or, if known, the product of the chemical reaction;

ii) Whether the unwanted material has been used or is unused; and

iii) A description of the manner in which the chemical was produced or processed, if applicable.

b) Management of Containers in the Laboratory: An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and whichthat prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:

1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;

2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and

3) Containers must be kept closed at all times, except under the following circumstances:

A) A container may be open when adding, removing, or consolidating unwanted material;

B) A working container may be open until the end of the procedure, <u>until</u> the end of the work shift, or until it is full, whichever comes first, at which time either the working container must be closed or its contents emptied into a separate container that is then closed; or

C) A container may be open when venting of a container is necessary for either of the following reasons:

i) It is necessary for the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs; or

ii) It is necessary to prevent dangerous situations, such as a build-up of extreme pressure.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.307 Personnel Training

An eligible academic entity must provide training to all individuals working in its laboratory, as follows:

a) It must provide training for laboratory workers and students that is commensurate with their duties, so that the workers and students understand the requirements of this Subpart K and can implement them.

b) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including, but not limited to any of the following:

1) Instruction by the professor or laboratory manager before or during an experiment;

2) Formal classroom training;

Electronic or written training;

4) On-the-job training; or

5) Written or oral exams.

c) An eligible academic entity that is a large quantity generator (see Section 722.127) must maintain for the durations specified in 35 Ill. Adm. Code 725.116(e) documentation which that is sufficient to demonstrate that training for all laboratory workers has occurred. Examples of documentation which that demonstrates that training has occurred can include, but are not limited to, the following:

1) Sign-in or attendance sheets for training sessions;

2) Syllabi for training sessions;

3) Certificates of training completion; or

4) Test results.

d) A trained professional is required for either<u>of</u> the following tasks:

1) A trained professional must accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and

2) A trained professional must make the hazardous waste determination for unwanted material, pursuant to Section 722.111.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 722.308 Removing Unwanted Material from the Laboratory

a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must do either of the following:

1) It must remove all containers of unwanted material from each laboratory on a regular interval, not to exceed six months; or

2) It must remove containers of unwanted material from each laboratory within six months <u>ofafter</u> each container's accumulation start date.

b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subsection (a)(1) or (a)(2) of this Section for the regular removal of unwanted material from its laboratories.

c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subsection (a)(1) or (a)(2) of this Section and how the eligible academic entity will develop a schedule for regular removals of unwanted material from its laboratories.

d) Removing containers of unwanted material when volumes are exceeded.

1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons (208 1)

before the regularly scheduled removal, the eligible academic entity must ensure that the following requirements are fulfilled for all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

-17 V

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 1) was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days of after the date on which 55 gallons (208 l) was exceeded, or on the date of the next regularly scheduled removal, whichever comes first.

2) If a laboratory accumulates more than one quart (0.946 l) of reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that the following requirements are fulfilled for all containers of reactive acutely hazardous unwanted material:

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which one quart (0.946 l) was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days $\frac{1}{2}$ of after the date on which one quart (0.946 l) was exceeded, or at the next regularly scheduled removal, whichever comes first.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory

a) Large quantity generators and small quantity generators. An eligible academic entity that is a large quantity generator or a small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:

1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;

2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or

3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.

b) Conditionally exempt small quantity generators. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with Section 722.310.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.310 Hazardous Waste Determination in the Laboratory

Where<u>When</u> an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory, it must fulfill the following requirements:

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a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111, before the unwanted material is removed from the laboratory.

b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;

2) It must write the appropriate hazardous waste codes on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), in the calendar month that the hazardous waste determination was made.

c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or onsite interim status or permitted treatment, storage, or disposal facility.

d) When hazardous waste is removed from the laboratory. the following requirements apply:

1) An eligible academic entity that is a large quantity generator or a small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.

2) An eligible academic entity that is a conditionally exempt small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in 35 Ill. Adm. Code 721.105(f)(3), for acute hazardous waste, or 35 Ill. Adm. Code 721.5721.105(g)(3), for hazardous waste.

e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area

WhereWhen an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site central accumulation area, it must fulfill the following requirements:

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.

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b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.

c) The unwanted material becomes subject to the generator accumulation regulations of Section 722.134(a) (or Section 722.134(j) and (k) for a Performance Track member), for a arge quantity generator, or Section 722.134(d) through (f), for a small quantity generator, as soon as the material arrives in the central accumulation area, except for the "hazardous waste" labeling requirements of Section 722.134(a)(3) (or Section 722.134(j)(6) for a Performance Track member).

d) A trained professional must determine, pursuant to Section 722.111, if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at the on-site central accumulation area.

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, within four calendar days after the unwanted material has arrived at the on-site central accumulation area and before the hazardous waste may be removed from that area;

2) It must write the appropriate hazardous waste codes on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported offsite;

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), in the calendar month that the hazardous waste determination was made τ_{\pm} and

4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

(Source: Added at 34 Ill. Reg. ______ effective ______)

Section 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility

Where When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it must fulfill with the following requirements:

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage, or disposal facility;

b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site interim status or permitted treatment, storage, or disposal facility; c) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives at the on-site treatment, storage, or disposal facility;

d) A trained professional must determine, pursuant to Section 722.111, if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to associated with the container (or on the label that is affixed or attached to the container, if that is preferred) within four calendar days after the unwanted material has arrived at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from that facility;

2) It must write the appropriate hazardous waste codes on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site;

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d) in the calendar month that the hazardous waste determination was made; and

4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.313 Laboratory Clean-Outs

a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:

1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 l) (or one quart (0.946 l) of reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 l) (or one quart (0.946 l) of reactive acutely hazardous unwanted material), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;

2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which that exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and whichthat is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), if it is determined to be hazardous waste;

3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator status under subsection (a)(2) of this Section, and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of hazardous waste (i.e., the conditionally exempt small quantity generator limits of 35 Ill. Adm. Code 721.105), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site; and

4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain these records for a period of three years from the date on which the clean-out ended; and

b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this Subpart K, including, but not limited to the following:

1) The requirement to remove all unwanted materials from the laboratory within 10 calendar days <u>ofafter</u> exceeding 55 gallons (208 l) (or one quart (0.946 l) of reactive acutely hazardous unwanted material), as required by Section 722.308; and

2) The requirement to count all hazardous waste, including unused hazardous waste, that is generated during the laboratory clean-out toward its hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d).

(Source: Added at 34 Ill. Reg. _____ effective ______

Section 722.314 Laboratory Management Plan

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this Subpart K. An eligible academic entity may write one Laboratory Management Plan for all of the laboratories that it owns which that have opted into this Subpart K, even if the laboratories are located at sites with different USEPA identification numbers. The Laboratory Management Plan must contain two parts, with a total of the nine elements identified in subsections (a) and (b) of this Section. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in subsection (a) of this Section. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of its Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in subsection (b) of this Section. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a

violation of this Subpart K. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it so chooses.

14

a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Part I must describe procedures for container labeling in accordance with Section 722.306(a) that includes the following:

A) Identification whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identification of an equally effective term that the eligible academic entity will consistently use in lieu of "unwanted material-". The equally effective term, if used, has the same meaning as the term "unwanted material-", and the material is subject to the same requirements as <u>if</u> it <u>would ifwere</u> called "unwanted material-"; and

B) Identification of the manner in which information that is "associated with the container" will be imparted.

2) Identification whether the eligible academic entity will comply with Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.

b) In Part II of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Description of its intended best practices for container labeling and management, including how the eligible academic entity will manage containers used for in-line collection of unwanted materials, such as with high performance liquid chromatographs and other laboratory equipment (see the required standards at Section 722.306);

2) Description of its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at Section 722.307(a));

3) Description of its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at Section 722.307(d)(1));

4) Description of its intended best practices for removing unwanted material from the laboratory, including the following:

A) For regularly scheduled removals, a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at Section 722.308(a)(1) and (a)(2)).

B) For removals when maximum volumes are exceeded, the following:

i) Description of the eligible academic entity's intended best practices for removing unwanted materials from the laboratory within 10 calendar days of<u>after</u> the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and

ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes.

5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at <u>SectionSections</u> 722.111 and 722.309 through 722.312).

6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:

A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (3)); and

B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4))-:

7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:

A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;

B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;

C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and

D) Procedures for the timely characterization of unknown chemicals.

c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who may request it.

d) An eligible academic entity must review and revise its Laboratory Management Plan as needed.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 722.315 Unwanted Material That is Not Solid Waste or Hazardous Waste

a) If an unwanted material does not meet the definition of solid waste in 35 Ill. Adm. Code 721.102, it is no longer subject to the requirements of this Subpart K or to the RCRA hazardous waste regulations of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728.

b) If an unwanted material does not meet the definition of hazardous waste in 35 Ill. Adm. Code 721.103, it is no longer subject to this Subpart K or to the RCRA hazardous waste regulations, but must be managed in compliance with any other applicable regulations or conditions.

(Source: Added at 34 Ill. Reg. _____ effective ______)

Section 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this Subpart K, and either of the following is true of the waste:

a) That hazardous waste remains subject to the generator requirements of Sections 722.111 and 722.134(c) for a large quantity generator or a small quantity generator (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 40 CFRpart 722; or

b) That hazardous waste remains subject to the conditional exemption of 35 Ill. Adm. Code 721.105(b) for a conditionally exempt small quantity generator.

(Source: Added at 34 Ill. Reg. _____ effective ______)
ILLINOIS-RECISTER

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POLLUTION CONTROL BOARD

11 A. 18

NOTICE OF PROPOSED AMENDMENTS

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